

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF OHIO  
3 WESTERN DIVISION

4 UNITED STATES OF AMERICA, - Docket No. 3:06-CR-719  
5 Plaintiff, -  
6 v. - Toledo, Ohio  
7 WASSIM MAZLOUM, et al., - October 21, 2009  
8 Defendants. - Sentencing  
9 -----  
10

11 TRANSCRIPT OF SENTENCING  
12 BEFORE THE HONORABLE JAMES G. CARR  
13 UNITED STATES DISTRICT CHIEF JUDGE

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Proceedings recorded by mechanical stenography,  
transcript produced by notereading.

1 (Commenced at 6:09 p.m.)

18:09:58 2 THE CLERK: 3:06-CR-719. United States of  
18:10:02 3 America versus Wassim Mazloun. Matter called for  
18:10:04 4 sentencing.

18:10:10 5 THE COURT: The record should show that the  
18:10:12 6 government is represented by Assistant United States  
18:10:14 7 Attorney Justin Herdman and other counsel previously  
18:10:17 8 appearing throughout these proceedings. The defendant  
18:10:20 9 is present in court with his attorney, Mr. David  
18:10:23 10 Doughten and Mr. Jeff Helmick.

18:10:25 11 And, Mr. Herdman, have you received and  
18:10:29 12 reviewed the presentence report? If so, do you have any  
18:10:31 13 objections that have not been resolved? And if not, are  
18:10:35 14 you prepared to proceed with sentencing?

18:10:38 15 MR. HERDMAN: We do not have any objections  
18:10:41 16 outstanding, Your Honor. I believe they've all been  
18:10:43 17 resolved.

18:10:44 18 THE COURT: Mr. Helmick, have you and Mr.  
18:10:46 19 Doughten received a copy of the presentence report? If  
18:10:49 20 so, do you have any unresolved objections? If not, are  
18:10:52 21 you prepared to proceed with sentencing?

18:10:54 22 MR. HELMICK: Yes, we have received a copy  
18:10:57 23 of the report. We shared the report with him. We have  
18:10:59 24 no unresolved objections at this time. We're ready to  
18:11:03 25 proceed forward with sentencing.

18:11:05 1 THE COURT: Mr. Mazloun, did you review or  
18:11:07 2 read a copy of the presentence report?

18:11:12 3 THE DEFENDANT: Yeah, I read it, Your Honor.

18:11:14 4 THE COURT: Did you understand what it said,  
18:11:16 5 what it says and what it means?

18:11:17 6 THE DEFENDANT: Yes.

18:11:18 7 THE COURT: And are you confident that your  
18:11:20 8 attorneys have taken enough time with you to go over it  
18:11:25 9 with you, to answer any questions you might have about  
18:11:28 10 it and to explain it to you fully?

18:11:30 11 THE DEFENDANT: Yes, Judge.

18:11:31 12 THE COURT: And are you also confident that  
18:11:33 13 they've taken the time necessary to enable both them and  
18:11:36 14 you to be as prepared as you can be for the proceeding  
18:11:41 15 this evening?

18:11:42 16 THE DEFENDANT: Yes, Judge.

18:11:45 17 THE COURT: Mr. Herdman?

18:11:48 18 MR. HERDMAN: Thank you, Your Honor. Your  
18:11:50 19 Honor, the evidence as it relates to Defendant Wassim  
18:11:54 20 Mazloun firmly established that Mr. Mazloun was an  
18:12:05 21 energetic, eager, enthusiastic, willing, and deadly  
18:12:12 22 serious member of this conspiracy. And the jury agreed  
18:12:16 23 with that assessment in rendering their verdicts. Now,  
18:12:21 24 I do want to talk about the evidence a little bit. As  
18:12:24 25 I said I'd try to keep my remarks brief, but there are

18:12:28 1 some key moments in Mr. Mazloun's participation in this  
18:12:34 2 conspiracy.

18:12:34 3 THE COURT: Give me one moment. I'm doing  
18:12:38 4 something on my computer. I apologize.

18:13:17 5 Okay.

18:13:18 6 MR. HERDMAN: There are a few key moments  
18:13:20 7 that relate to Mr. Mazloun's participation in the  
18:13:22 8 conspiracy. I will direct the Court's attention to  
18:13:24 9 those. But there are also some themes that I think run  
18:13:27 10 throughout his participation in this conspiracy.

18:13:29 11 One of them is the deadly serious nature of  
18:13:32 12 his solicitation of training from Darren Griffin. Mr.  
18:13:37 13 Mazloun very explicitly and very frankly told Darren  
18:13:43 14 Griffin that what he wanted to receive training in was  
18:13:46 15 manufacturing explosives, building IEDs, and acquiring  
18:13:51 16 training in conducting ambushes on military forces.

18:14:00 17 The second theme that is quite apparent from  
18:14:02 18 the outset is Mr. Mazloun perhaps more so than any other  
18:14:06 19 defendant appears very eager to start the training; to  
18:14:10 20 accelerate the pace of the training; to, quote, speed  
18:14:14 21 things up, to move things. And I think you'll  
18:14:19 22 remember, Your Honor, one of the quotes from his own  
18:14:21 23 mouth was that time is gold and that this was something  
18:14:25 24 that was driving him more so than any other element, and  
18:14:29 25 I would submit more so than any other defendant.

18:14:35 1 Now, Mr. Mazloun was recruited into this  
18:14:38 2 conspiracy, recruited by Mohammad Amawi. And so  
18:14:42 3 therefore his entry into the conspiracy is different  
18:14:48 4 than that of -- you've heard arguments from counsel for  
18:14:53 5 Amawi and El-Hindi; he was induced not by Darren  
18:14:57 6 Griffin, but he was induced by Mohammad Amawi to enter  
18:15:00 7 this conspiracy. The first mention we have about  
18:15:03 8 Mazloun comes from the lips of Mohammad Amawi himself; I  
18:15:06 9 believe it was November 4 of 2004. And Mohammad Amawi  
18:15:09 10 suggests Wassim Mazloun. He also suggests some other  
18:15:12 11 individuals. But he suggests Wassim Mazloun as a man  
18:15:17 12 who's serious and will make a good candidate for  
18:15:20 13 training, training for jihad. This is all in the  
18:15:23 14 context of training for jihad.

18:15:29 15 On the same -- I apologize, Your Honor. Let  
18:15:32 16 me back up.

18:15:33 17 November 4 is actually the first time that  
18:15:35 18 we have a recording where Mohammad Amawi speaks to  
18:15:37 19 Wassim Mazloun. I believe it was a week or so before  
18:15:40 20 that that he mentioned Mazloun as a potential recruit.  
18:15:44 21 I apologize for that. But on November 4, 2004, in the  
18:15:47 22 presence of Darren Griffin, Mohammad Amawi calls Wassim  
18:15:51 23 Mazloun. This is a rather critical conversation because  
18:15:53 24 what this conversation establishes is that Mohammad  
18:15:56 25 Amawi and Wassim Mazloun have talked about Darren

18:16:01 1 Griffin. And when Mohammad Amawi refers to the subject  
18:16:06 2 of training, he doesn't say training; he doesn't say  
18:16:09 3 shooting; he doesn't say firing range. He says, "That  
18:16:12 4 subject that we talked about." And that right there,  
18:16:14 5 Your Honor, indicates that not only is this a subject  
18:16:17 6 that they don't want to discuss on the phone, but it's a  
18:16:20 7 subject that Mohammad Amawi and Wassim Mazloun have  
18:16:24 8 reached a mutual understanding on. What is the nature  
18:16:28 9 of this training? There's really no question about it.  
18:16:31 10 It's training for jihad. And specifically as we  
18:16:35 11 learned from Mr. --

18:16:36 12 THE COURT: So you would say at least  
18:16:38 13 sometime prior to then, the term might be used earlier,  
18:16:42 14 jointly predisposed would fit here?

18:16:44 15 MR. HERDMAN: Yes, Your Honor.

18:16:45 16 THE COURT: Particularly by the time he  
18:16:47 17 meets Griffin?

18:16:48 18 MR. HERDMAN: Well, before that time, Your  
18:16:52 19 Honor, because it's not until about a week -- I'm sorry,  
18:16:56 20 two weeks later that he actually meets Darren Griffin  
18:16:58 21 for the first time.

18:17:02 22 Now, that fact alone is important because  
18:17:05 23 remember, Mohammad Amawi's a person who does not trust  
18:17:07 24 the purpose of this training with just anyone. It was  
18:17:13 25 referred to when his brother testified on the stand



18:17:15 1 yesterday that Mohammad Amawi didn't want his own  
18:17:17 2 brother Amr to know what the purpose of their trips to  
18:17:21 3 the shooting range was for. I'm not going to play that  
18:17:24 4 clip for you, but I can --

18:17:26 5 THE COURT: I remember it.

18:17:28 6 MR. HERDMAN: It was from J1D57 just for the  
18:17:31 7 record. And he had that conversation with Mr. Mazloun  
18:17:36 8 and Mr. Mazloun's brother. And in that conversation  
18:17:39 9 Mr. Amawi says to Bilal Mazloun -- this was on, I  
18:17:43 10 believe it was April 20, 2005, he tells Bilal Mazloun,  
18:17:48 11 You shouldn't have told Amr what we were doing. I  
18:17:51 12 don't trust him about this stuff. You have to keep it  
18:17:54 13 secret from him. So at the outset of his entry into  
18:17:58 14 this conspiracy, Mr. Mazloun has been, in a sense,  
18:18:02 15 vetted by Mohammad Amawi. And more importantly, Your  
18:18:05 16 Honor, with respect to Mr. Mazloun, Mr. Mazloun  
18:18:08 17 willingly shows up to meet with Darren Griffin.

18:18:11 18 I told you before that there were other  
18:18:13 19 individuals that Mohammad Amawi would suggest. Whether  
18:18:16 20 or not Mohammad Amawi ever talked to those people is  
18:18:19 21 irrelevant because those people didn't show up. And so  
18:18:23 22 in essence Mohammad Amawi had vetted with Wassim  
18:18:27 23 Mazloun, had found him to be a very good candidate for  
18:18:30 24 jihad training, and then Wassim Mazloun accepted that  
18:18:33 25 offer from Mohammad Amawi.

18:18:41 1 Now, during the first meeting with Darren  
18:18:47 2 Griffin, Darren Griffin, Mohammad Amawi, and Wassim  
18:18:51 3 Mazloun --

18:18:51 4 THE COURT: Date?

18:18:54 5 MR. HERDMAN: November 17, 2004. Wassim  
18:19:02 6 Mazloun is already present at Amawi's house at the point  
18:19:04 7 in time that Griffin arrives. And they're either in  
18:19:09 8 the midst of watching videos or they've just recently  
18:19:13 9 finished watching a video. These are jihad-themed  
18:19:17 10 videos. And from the outset of this conversation,  
18:19:22 11 you'll remember, Your Honor, that Darren Griffin  
18:19:23 12 introduces himself to Mr. Mazloun and explains his  
18:19:26 13 background, and from the outset Mr. Mazloun makes it  
18:19:31 14 very clear that he is interested in having a goal. This  
18:19:34 15 is not just for fun. That's a direct quote. And I,  
18:19:38 16 of course, would like to play a few clips. Not a great  
18:19:42 17 length. I've endeavored to cut these down  
18:19:45 18 significantly. I would ask the Court's indulgence to  
18:19:49 19 play a few of these. This is SM10691852A-1.

18:20:39 20 (Audio played and transcript displayed.)

18:20:45 21 MR. HERDMAN: And that goal, Your Honor,  
18:20:46 22 was, in fact, going to what Mr. Mazloun calls the land  
18:20:51 23 of the Army. I'll play another clip here.

18:21:32 24 (Audio played and transcript displayed.)

18:21:33 25 MR. HERDMAN: You saw there, Your Honor,

18:21:34 1 that the government has never contended with respect to  
18:21:36 2 Mr. Mazloun that he was seeking training so that he  
18:21:41 3 could commit any act of violence here in the United  
18:21:44 4 States. That wasn't part of our proof. It's never  
18:21:46 5 been part of the charges that we brought against Mr.  
18:21:49 6 Mazloun. But I would say with respect to Mr. Mazloun  
18:21:51 7 that he made it very clear what he wanted to do, and  
18:21:55 8 that was to go to Iraq. And the record is replete with  
18:21:59 9 examples of that. I'll point you to a few of them.  
18:22:02 10 But there is no question that Wassim Mazloun was  
18:22:05 11 interested in fighting in Iraq. And that's why he was  
18:22:10 12 seeking training. And the ultimate reason for this, it  
18:22:14 13 was not money, it was not fame, it was not glory. He  
18:22:19 14 says very explicitly that he's not seeking an earthly  
18:22:23 15 reward for this. I will play a clip for Your Honor.  
18:22:25 16 And I submit to you that by saying this, he is in  
18:22:29 17 essence, these are the exact same things you heard from  
18:22:33 18 Mohammad Amawi with respect to martyrdom, becoming a  
18:22:36 19 shaheed, that this was a religious obligation of some  
18:22:41 20 sort. The perception of Mr. Mazloun is that there is  
18:22:44 21 no earthly reward that is ever expected for engaging in  
18:22:49 22 jihad. SM-10 from the sentencing memorandum, the third  
18:22:58 23 subclip. This is SM10-691852A-1.

18:24:43 24 (Audio played and transcript displayed.)

18:24:51 25 MR. HERDMAN: We don't want no earthly

18:24:53 1 rewards. No money. And it's also important to note  
18:24:56 2 that during the same meeting on November 17, 2004,  
18:24:59 3 Wassim Mazloun himself, just like Mohammad Amawi,  
18:25:01 4 offered individuals as recruits. Wassim Mazloun offers  
18:25:04 5 his brother Bilal as a recruit. And I will remind the  
18:25:09 6 Court again that Bilal Mazloun did accompany Darren  
18:25:13 7 Griffin, Mohammad Amawi, and Wassim Mazloun on one trip  
18:25:17 8 to the shooting range. And the purpose of this trip  
18:25:21 9 was obviously known to Bilal Mazloun because he lied  
18:25:26 10 about it to federal agents in February of 2006. And  
18:25:30 11 that was a crime for which he was later convicted of  
18:25:33 12 making a false statement.

18:25:40 13 Now, in February of 2005, again, the  
18:25:46 14 government does not contend that Darren Griffin at the  
18:25:49 15 very least was in contact with Wassim Mazloun --

18:25:52 16 THE COURT: I didn't hear what you said.

18:25:54 17 MR. HERDMAN: From November 17 of 2004 until  
18:25:56 18 February 16 of 2005, there's no contact between Mr.  
18:26:01 19 Mazloun and Mr. Griffin. And the government didn't  
18:26:06 20 contend there was. But what there is apparently is  
18:26:08 21 contact between Mr. Mazloun and Mr. Amawi. And I would  
18:26:14 22 submit to the Court Mr. Amawi is the one who, in  
18:26:16 23 essence, arranges for Mr. Mazloun's arrival at all of  
18:26:21 24 the meetings to which he eventually shows up. Darren  
18:26:24 25 Griffin does not, for whatever reason that is, does not

18:26:27 1 reach out directly to Mr. Mazloun to arrange for his  
18:26:30 2 arrival. It's always Mr. Amawi who does so. And I  
18:26:34 3 think that's an important point. It shows again the  
18:26:38 4 depth of trust between Mr. Amawi and Mr. Mazloun and the  
18:26:41 5 fact that Mr. Mazloun is responsive to requests by Mr.  
18:26:44 6 Amawi as opposed to Mr. Griffin.

18:26:49 7 February 16 of 2005, obviously that's the  
18:26:53 8 meeting at Marwan El-Hindi's house. I reference this  
18:26:57 9 in the sentencing memorandum. But from the outset of  
18:27:00 10 this meeting, there's no question about what the purpose  
18:27:04 11 of this meeting is with respect to Mr. Mazloun. He,  
18:27:07 12 upon crossing the threshold of Mr. El-Hindi's house, the  
18:27:11 13 very first topic that they discuss is the availability  
18:27:14 14 of jihadist videos on the monitor. And it doesn't take  
18:27:18 15 much more than a hello before they launch into that  
18:27:20 16 topic, Your Honor. And that clip, that reference is  
18:27:28 17 28-69185-5A.

18:27:34 18 (Audio is played and transcript displayed.)

18:28:47 19 MR. HERDMAN: Al-Ansar, I know you remember  
18:28:49 20 that particular website. What's important there is  
18:28:53 21 whether Mr. Mazloun is viewing this entirely  
18:28:56 22 independently or maybe with assistance from Mohammad  
18:28:59 23 Amawi. He's trying to access these materials just like  
18:29:02 24 Mohammad Amawi and just like Marwan El-Hindi. The fact  
18:29:11 25 that this is brought up at the outset of this meeting,

18:29:14 1 there's nothing surprising to Mr. Mazloun about this.  
18:29:17 2 In fact, he responds with the name of a jihadist website  
18:29:20 3 when prompted by a question from Mr. Griffin. And  
18:29:22 4 again, during this meeting Mr. Mazloun suggests his  
18:29:26 5 brother Bilal as a potential recruit. And I know that  
18:29:30 6 the Court has considered arguments from Mr. Amawi and  
18:29:33 7 Mr. El-Hindi with respect to the purpose of training.  
18:29:36 8 I believe you rejected them. The jury rejected those  
18:29:38 9 arguments. I don't anticipate similar arguments from  
18:29:42 10 Mr. Helmick or Mr. Doughten. But this February 16  
18:29:46 11 meeting there's no question at this point what these men  
18:29:49 12 are talking about and what they intend to do. And what  
18:29:55 13 Wassim Mazloun responds at that point is very important.  
18:29:57 14 Because he doesn't run away; he doesn't walk out; he  
18:30:01 15 doesn't ask to be left alone. He actually says to  
18:30:06 16 everyone who's assembled that he has two main concerns,  
18:30:09 17 and those concerns are security, and learning correctly.  
18:30:17 18 I submit to Your Honor when he later expresses what it  
18:30:20 19 is he wants to learn, that is explosives. You can  
18:30:23 20 understand why it is he'd want to learn correctly,  
18:30:26 21 because a mistake would have deadly consequences.

18:30:40 22 This is another point that I know other  
18:30:43 23 counsel tried to make was that Darren Griffin somehow  
18:30:45 24 suggested to the defendants where it was that they  
18:30:47 25 wanted to go. I think we've dealt with those arguments

18:30:52 1 separately, but I do want to point out to the Court that  
18:30:55 2 there's no equivocation from Wassim Mazloun when he's  
18:30:58 3 asked by Darren Griffin where he wants to use this  
18:31:00 4 training. He says, Mainly Iraq and Al-Sham, which was  
18:31:04 5 defined as a very broad geographic area. It doesn't  
18:31:08 6 just include Lebanon but --

18:31:10 7 THE COURT: How do you.

18:31:12 8 MR. HERDMAN: A-l hyphenated S-h-a-m. I'm  
18:31:17 9 going to play that clip for Your Honor.

18:31:42 10 (Audio played and transcript displayed.)

18:31:50 11 MR. HERDMAN: Obviously Iraq came first;  
18:31:53 12 thereafter, Al-Sham. But it's critical. It's, again,  
18:31:58 13 a theme with Mr. Mazloun, that is that Iraq is what he's  
18:32:01 14 interested in. And I know at trial that defense  
18:32:05 15 counsel tried to make some alternative arguments.  
18:32:08 16 Those were, in effect, rejected by the jury. I don't  
18:32:10 17 think I need to get into them. But it's clear from the  
18:32:13 18 evidence that Mr. Mazloun is deadly serious about going  
18:32:16 19 to Iraq.

18:32:20 20 Now, at the same meeting I think it's  
18:32:23 21 important to note that he offered financial support.  
18:32:25 22 He expressed an interest in providing financial support  
18:32:28 23 to the mujahidin in Iraq. And whether these are --  
18:32:32 24 whether these were insurgents or nationalists or  
18:32:36 25 terrorists, the point is, Your Honor, that he's talking

18:32:39 1 about individuals who are killing U.S. soldiers in Iraq,  
18:32:42 2 are killing members of the Iraqi Army, police are  
18:32:45 3 killing civilians in some instances, and he wants to  
18:32:49 4 give money to them. He even offers his own legitimate  
18:32:53 5 car business as a means to move money or even people  
18:33:00 6 into Iraq. So if you think about this man's life, that  
18:33:03 7 is he goes to work, he works at a car lot, he's  
18:33:09 8 essentially offering up his entire livelihood and  
18:33:13 9 wellbeing to this conspiracy. And I think it's a  
18:33:16 10 unique factor amongst these defendants that this Court  
18:33:20 11 should consider.

18:33:22 12 And again, Your Honor, the eagerness is very  
18:33:25 13 apparent here. This is the date where Mr. Mazloun says  
18:33:31 14 that time is gold. And again, I referenced this in the  
18:33:35 15 memo. I don't think I need to play the clip. But he  
18:33:38 16 offers to take a vacation day to go train. He's so  
18:33:42 17 eager he's willing to lose money, in essence, to go. In  
18:33:55 18 the car ride home from this meeting, Mr. Mazloun again  
18:34:02 19 expresses his desire to, quote, move this up a little  
18:34:05 20 bit. I do want to play that quickly for the Court  
18:34:09 21 because even at the end of this meeting when he's on the  
18:34:12 22 drive home he's still so enthusiastic that he feels a  
18:34:15 23 need to move things along.

18:34:41 24 (Audio played and transcript displayed.)

18:35:23 25 MR. HERDMAN: Your Honor, I submit that that



18:35:24 1 is -- if that doesn't express this man's intent, that  
18:35:27 2 clip, I don't know what does. He, just like Mohammad  
18:35:30 3 Amawi, he needs to get the training before he goes over  
18:35:32 4 to Iraq. And he wants to move this up because he's  
18:35:35 5 getting older.

18:35:44 6 Now, I know the Court has expressed specific  
18:35:51 7 concerns with Mr. Mazloun. I plan to address those  
18:35:54 8 specifically, but I know one of those was Mr. Mazloun  
18:35:57 9 was not -- I believe your recollection was he had not  
18:36:00 10 been aggressively seeking out or pushing for certain  
18:36:03 11 kinds of training. I hope I'm providing some context  
18:36:07 12 for that as well.

18:36:08 13 THE COURT: I hear what you said and am  
18:36:11 14 persuaded.

18:36:13 15 MR. HERDMAN: The other issue I want to  
18:36:15 16 briefly address is there's this notion of a paint ball  
18:36:17 17 set that was never used. And, of course, we contend it  
18:36:20 18 wasn't. It's still in its bubble wrap when it was  
18:36:23 19 seized by the FBI. But the paint ball training, for  
18:36:27 20 whatever reason it never came to fruition. But Mr.  
18:36:30 21 Mazloun was so eager to obtain this particular type of  
18:36:34 22 training that he not only purchased a set for himself,  
18:36:38 23 which he never used, by the way, and I submit to the  
18:36:41 24 Court that the fact that it wasn't used indicates that  
18:36:44 25 there was no other purpose for that paint ball set other

18:36:47 1 than training for jihad. We know there wasn't training  
18:36:49 2 for jihad using a paint ball set with Darren Griffin.  
18:36:52 3 And obviously Mr. Mazloun bought it, so the fact that he  
18:36:56 4 didn't use it indicates he wasn't planning to use it at  
18:37:00 5 some sort of fun-world or playhouse or whatever  
18:37:04 6 entertainment venues there may be. That was the sole  
18:37:06 7 purpose of him buying that. More importantly, on April  
18:37:09 8 29, 2005, Mr. Mazloun -- again, he's not a man of  
18:37:13 9 substantial financial means. He's already offered  
18:37:17 10 money; he's offered his only means of livelihood to the  
18:37:22 11 conspiracy. He offers to buy paint ball sets for his  
18:37:24 12 co-conspirators. That was April 29, 2005.

18:37:34 13 I'd like to speak a little bit, because I  
18:37:39 14 know defense counsel will speak a little bit with  
18:37:41 15 respect the to history and characteristics of the  
18:37:43 16 defendant. I'm taking a break, I guess, from the  
18:37:46 17 chronological review of the case here. I played a clip  
18:37:53 18 where Mr. Mazloun said he felt that the most worthy  
18:37:57 19 place was either the fields of jihad or the land of the  
18:38:00 20 Army. Actually, the fields of jihad was a separate  
18:38:03 21 clip, but that also was heard on November 17, 2004.  
18:38:06 22 That was a fairly memorable quote, I think, Your Honor,  
18:38:09 23 so I don't feel the need to replay that clip. But he  
18:38:12 24 made it clear that he thought that that was where this  
18:38:15 25 training was most appropriately used.

18:38:19 1 I'm not going to make a big point out of  
18:38:21 2 this. I think it's important to note that Mr. Helmick  
18:38:26 3 or Mr. Doughten will mention the -- maybe unique to  
18:38:27 4 people in Toledo, unfortunately not unique trait that  
18:38:31 5 people who grew up in Lebanon in the '80s, for people  
18:38:35 6 who grew up in the childhood circumstances of Mr.  
18:38:38 7 Mazloun. The only point I want the Court to consider  
18:38:44 8 is, yes, the government concedes that he saw a lot of  
18:38:47 9 tragic events. He was probably very frightened as a  
18:38:51 10 child, and he had to move around a lot. He lived in a  
18:38:54 11 basement for a period of time. But it's important to  
18:38:58 12 remember that that childhood trauma was caused by a  
18:39:01 13 particular government which was supported by the United  
18:39:05 14 States. That is the Israeli government which was  
18:39:08 15 supported by the United States. And I hope the Court  
18:39:10 16 remembers the testimony of his mother talking about the  
18:39:13 17 Israeli fighter planes, there were F16s flying over  
18:39:16 18 their village in Lebanon, and the fact that everyone  
18:39:18 19 knew in Lebanon that Israel was supported by the United  
18:39:23 20 States. So to the extent the Court is going to  
18:39:27 21 consider with respect to his upbringing, I would also  
18:39:29 22 say to the Court that's motive evidence, and that is  
18:39:31 23 also evidence of his intent. It explains why Mr.  
18:39:34 24 Mazloun is so eager and intent on engaging in the kind  
18:39:38 25 of behavior that was going on here.

18:39:44 1 THE COURT: Well, if defense counsel raises  
18:39:49 2 that point, let me say now, whatever may explain  
18:39:57 3 something, it doesn't excuse it.

18:39:59 4 MR. HERDMAN: That's certainly true.

18:40:03 5 THE COURT: There are probably thousands if  
18:40:05 6 not -- maybe tens of thousands of people from the Middle  
18:40:10 7 East who have emigrated to this country and that did not  
18:40:15 8 take the path that he chose.

18:40:17 9 MR. HERDMAN: I agree with that assessment,  
18:40:20 10 Your Honor.

18:40:21 11 And also Mr. Mazloun is someone who's  
18:40:23 12 capable of attending the University of Toledo. He did  
18:40:26 13 attend there as a student.

18:40:29 14 THE COURT: I think he was a student when he  
18:40:31 15 was arrested.

18:40:32 16 MR. HERDMAN: That's correct. He also ran  
18:40:34 17 his own business. So this is not someone incapable of  
18:40:37 18 supporting himself. And he had the great -- I'm not  
18:40:41 19 sure about this, but I think he had family here that  
18:40:44 20 sponsored him for a green card. So he had really  
18:40:48 21 everything he needed to succeed here in Toledo, and  
18:40:51 22 instead he chose to engage in criminal conduct that's  
18:40:55 23 outlined in this conspiracy.

18:40:58 24 There's another aspect that I think the  
18:41:03 25 Court should take into account when dealing with this

18:41:05 1 specific factor, and that is it's quite hard for perhaps  
18:41:14 2 someone to understand how Mr. Mazloun became friends  
18:41:19 3 with someone like Mohammad Amawi, at least according to  
18:41:22 4 what Mr. Amawi said on tapes, but it's very clear they  
18:41:27 5 had a very deep relationship, and that relationship has  
18:41:29 6 extended to their time in pretrial detention. Now, I  
18:41:33 7 know defense counsel, they mentioned this in their memo,  
18:41:36 8 the fact that Mr. Mazloun was released for a period  
18:41:39 9 of -- I think it was almost a year. I'm not positive.

18:41:44 10 MR. HELMICK: Nine months.

18:41:45 11 MR. HERDMAN: That was apparently without  
18:41:47 12 incident. But I do think it's important to note for  
18:41:49 13 the Court that there are indications that Mr. Mazloun,  
18:41:53 14 at least when he's incarcerated, is not willing to  
18:41:55 15 follow the regulations of the Bureau of Prisons,  
18:41:58 16 especially if it's to help out Mr. Amawi. And I noted  
18:42:02 17 that Mr. Amawi spoke in some sort of a way trying to  
18:42:07 18 excuse Mr. Mazloun's participation. I don't remember  
18:42:10 19 the exact quote, but he did speak about him yesterday.  
18:42:13 20 And it's clear to me at least looking at some of the  
18:42:17 21 conduct here that Mr. Mazloun continues to try to  
18:42:20 22 advance the interests of Mr. Amawi. Now, you notice  
18:42:22 23 that Mr. Amawi was on phone restriction for -- it's been  
18:42:27 24 several months, if not a year that he's been on phone  
18:42:29 25 restriction. And Amr Amawi yesterday conceded that he

18:42:33 1 received a phone call while he was in Jordan from Wassim  
18:42:36 2 Mazloun who relayed information about Mohammad Amawi.  
18:42:39 3 He admitted in the phone call he was not supposed to be  
18:42:42 4 relaying, but he did anyway. And there's no other  
18:42:45 5 explanation for that phone call than Mr. Mazloun was  
18:42:47 6 trying to get either information to Amawi's family,  
18:42:50 7 which he did, that he had been moved out of the  
18:42:53 8 segregation into general population, and also to get  
18:42:56 9 information for Mr. Amawi. He asks in that phone call,  
18:42:59 10 How is everybody? Is everybody fine? And if you read  
18:43:02 11 just that portion of our sentencing memorandum, Your  
18:43:05 12 Honor, it's one paragraph, it sets out the fact that Mr.  
18:43:08 13 Mazloun knew he was circumventing Bureau of Prisons  
18:43:11 14 regulations to make this phone call. He lied to the  
18:43:14 15 guard that was monitoring the phone call so he could  
18:43:16 16 make the call, and he even used in some -- he referenced  
18:43:21 17 Malik. I believe Malik is the older brother. When he  
18:43:24 18 spoke of Mr. Zaki Amawi, he said, oh, how is Malik's  
18:43:28 19 father? How are you? So it certainly doesn't approach  
18:43:34 20 at all the extent of the conduct of Mr. Amawi, but it is  
18:43:37 21 an important fact, and it's not one that we would want  
18:43:41 22 to go unconsidered by the Court.

18:43:46 23 I'll get to the last set of factors. I  
18:43:49 24 would put these together. Really they spill over in  
18:43:52 25 all the evidence, the factors of sentencing, and that is

18:43:58 1 the specific deterrence to Mr. Mazloun as well as  
18:44:01 2 protecting the public from further crimes of the  
18:44:03 3 defendant.

18:44:05 4 THE COURT: As I sit here I am more  
18:44:07 5 concerned about the need for, in addition to the  
18:44:12 6 overarching public deterrence, specific deterrence. I  
18:44:16 7 believe I indicated briefly sometime this morning that  
18:44:22 8 one of my concerns with Mr. Mazloun, in light of some of  
18:44:24 9 the things that you've referenced, is that he's subject  
18:44:28 10 to deportation, would essentially get a ticket to the  
18:44:37 11 Middle East. And if he were not deterred as a result of  
18:44:42 12 the sentence in this case, he might well be inclined to  
18:44:48 13 pick up where he was interrupted.

18:44:53 14 MR. HERDMAN: And that's certainly the  
18:44:56 15 government's assessment as well, Your Honor. I did not  
18:44:58 16 make reference to the fact he's facing certain  
18:45:00 17 deportation in our memo. I felt it would be  
18:45:02 18 inappropriate to raise that issue.

18:45:05 19 THE COURT: I disagree. I think, as I  
18:45:06 20 said, with regard to the other two defendants, one of  
18:45:09 21 the reasons that I have expressed the degree of  
18:45:17 22 confidence I have, not absolute because one can never be  
18:45:21 23 certain, but that protection of the public in my view,  
18:45:25 24 in light of the sentences that gave, can be accommodated  
18:45:29 25 adequately by lifetime supervised release. Well,

18:45:36 1 that's not available here.

18:45:39 2 MR. HERDMAN: The only thing I would say is  
18:45:41 3 defense counsel raises it in their memo, so I feel  
18:45:44 4 it's -- for what it's worth, if it's an issue, it's been  
18:45:48 5 put in play by the defense. And my assessment is the  
18:45:51 6 same as Your Honor's, which is by acknowledging the fact  
18:45:54 7 that he's certain deportation, what we are in essence  
18:46:00 8 doing -- I see he's got a significant amount of family  
18:46:02 9 here. I know most of them are U.S. citizens. There  
18:46:06 10 was also testimony at the trial about the military  
18:46:08 11 requirement if you go overseas to Lebanon. I don't know  
18:46:13 12 how many male members of his family are here. I don't  
18:46:15 13 know how many of them are dual citizens. I don't know  
18:46:18 14 how many of them are purely Lebanese citizens. I think  
18:46:22 15 the testimony will show Mr. Mazloun was subject to a  
18:46:25 16 military requirement if he went back to Lebanon. To  
18:46:29 17 the extent that's important, his whole network is here  
18:46:32 18 in Toledo. I'm sure he still has family in Lebanon,  
18:46:36 19 but I think his immediate family is all here in Toledo.

18:46:39 20 THE COURT: The ones who matter most will be  
18:46:41 21 here.

18:46:41 22 MR. HERDMAN: And I think it's unlikely that  
18:46:43 23 they would -- I don't think Mr. Helmick or Doughten will  
18:46:47 24 answer it, but I think it's unlikely they would choose  
18:46:50 25 to uproot themselves and move back to Lebanon should he



18:46:54 1 be deported. So his whole network is here. His means  
18:46:59 2 of livelihood were here. The fact he was studying to  
18:47:02 3 be a student are here. And what's back in Lebanon?  
18:47:04 4 Well, it's a war-torn country, there's constant strife,  
18:47:07 5 and he is going to be put in a position where he's  
18:47:11 6 closer to U.S. military members who are serving in Iraq,  
18:47:14 7 however long that may be, but presumably for at least  
18:47:19 8 the next -- the near future there will be troops in the  
18:47:23 9 Middle East on behalf of the United States, whether  
18:47:26 10 they're in Iraq or somewhere else, they will be there.  
18:47:28 11 And he's, in essence, being uprooted, fully uprooted,  
18:47:32 12 placed back into a highly volatile situation, and he's  
18:47:39 13 already expressed an intent to do what it is this Court  
18:47:42 14 fears he's going to do, which is kill people. He's  
18:47:45 15 made it very clear that he has an interpretation of this  
18:47:49 16 obligation that gives him -- he doesn't need money.  
18:47:52 17 All he needs -- he doesn't need any earthly reward. And  
18:47:55 18 by inference what he's talking about is martyrdom. And  
18:47:59 19 he's explained where that jihad is taking place; it's  
18:48:02 20 taking place in Al-Sham, which includes Lebanon. It's  
18:48:07 21 taking place in Iraq.

18:48:08 22 And I do have a few more clips I want to  
18:48:12 23 play just to make it clear, the deadly seriousness that  
18:48:17 24 Mr. Mazloum approached this training.

18:48:19 25 I know you also have an issue about his lack

18:48:21 1 of participation, if you will, later on in the case.

18:48:24 2 THE COURT: Or at least apparent. Again,  
18:48:29 3 it's my recollection that I think Mr. Griffin was  
18:48:31 4 encouraging Amawi to reach out to him, and where's  
18:48:36 5 Wassim, and so forth.

18:48:38 6 MR. HERDMAN: Actually, I don't have  
18:48:39 7 specific clips that would address that concern, but the  
18:48:41 8 way I remember that is most of the conversation about  
18:48:43 9 Mr. Mazloun took place while he was, in effect, actually  
18:48:47 10 engaged in the training. That is there would be a  
18:48:50 11 meeting maybe two days before shooting, and Wassim's  
18:48:53 12 name would be brought up either by Mr. Griffin or Mr.  
18:48:55 13 Amawi: Is he going to be in? Is he going to show up?  
18:48:59 14 And they may have mentioned him afterward. But that's  
18:49:02 15 the way I recall.

18:49:03 16 THE COURT: Maybe there's some delay in  
18:49:06 17 getting out to the range because of the difficulties,  
18:49:10 18 work or whatever.

18:49:11 19 MR. HERDMAN: That did happen. And, in  
18:49:13 20 fact, on February 16, Mr. Mazloun is the one who seems a  
18:49:17 21 little upset with the fact -- I wouldn't go so far as to  
18:49:22 22 say upset; I would say disappointed with the fact that  
18:49:24 23 they're not training, they're not actively doing  
18:49:28 24 anything, just according to him going to Marwan's house,  
18:49:31 25 and he seems a little surprised by that. I hope the

18:49:34 1 Court recollects that.

18:49:35 2 But on February 16, there's a conversation  
18:49:40 3 that's going on. Mr. El-Hindi is talking about sniper  
18:49:44 4 attacks against the U.S. military, talking about how  
18:49:48 5 afraid that makes the U.S. military, these sniper  
18:49:51 6 attacks. And Mr. Mazloun starts a new conversation  
18:49:53 7 with Darren Griffin. And he asks about manufacturing  
18:49:56 8 bombs out of essentially household ingredients, kitchen  
18:50:01 9 supplies. I'd like to play that for the Court.

18:50:06 10 (Audio played and transcript displayed.)

18:51:06 11 MR. HERDMAN: And, Your Honor, that --  
18:51:08 12 obviously Mr. Mazloun, you heard him say "sugar" there.  
18:51:11 13 You heard him say sugar as a potential ingredient.  
18:51:15 14 He's obviously heard that somewhere; he knows it's  
18:51:18 15 possible to do this. I won't stand here and say  
18:51:20 16 whether that is possible. I know it's quite common  
18:51:23 17 that certain baking ingredients are used in explosives.  
18:51:26 18 I know this came up yesterday in the video of the  
18:51:29 19 individual, I believe it was in Denver, shopping for  
18:51:32 20 beauty products essentially. So I think it's  
18:51:36 21 well-known that there are ways to make explosives using  
18:51:39 22 household ingredients. And in the context of the  
18:51:41 23 conversation about snipers, Mr. Mazloun wants to know  
18:51:44 24 how to make bombs.

18:51:48 25 And that wasn't the only time that he

18:51:49 1 referenced building explosives. There was another  
18:51:53 2 conversation at Darren Griffin's house or his apartment,  
18:51:56 3 I believe. I think that was April 13 -- April 20.  
18:52:05 4 There was a meeting at Darren Griffin's house between  
18:52:09 5 Mr. Amawi, Mr. Mazloun, and Mr. Griffin. And this is  
18:52:12 6 an instance where they learn how to site a handgun.  
18:52:20 7 And during this conversation --

18:52:21 8 THE COURT: When was that meeting again?

18:52:23 9 MR. HERDMAN: April 20, 2005.

18:52:25 10 THE COURT: Where was it?

18:52:27 11 MR. HERDMAN: It was at Mr. Griffin's  
18:52:29 12 apartment.

18:52:30 13 THE COURT: Who all was there; Amawi,  
18:52:33 14 Mazloun, and Griffin?

18:52:34 15 MR. HERDMAN: Yes. It was -- and just for  
18:52:36 16 the record, this is SM -- I apologize, Your Honor, that  
18:52:42 17 was April 13, 2005.

18:52:47 18 THE COURT: April 13 --

18:52:50 19 MR. HERDMAN: 2005. Yes. I was right the  
18:52:52 20 first time. This is SM58691853A-5. It's also page 57  
18:53:03 21 of the government's sentencing memorandum.

18:53:57 22 (Audio played and transcript displayed.)

18:54:12 23 MR. HERDMAN: Admittedly, he didn't know  
18:54:15 24 what an IED is.

18:54:17 25 THE COURT: Well, he was told.

18:54:18 1 MR. BAUER: Once he's told, he says, Oh,  
18:54:20 2 that's the most important thing. We have to learn  
18:54:22 3 that, and ambushes too.

18:54:28 4 Now on page 58 of the government's  
18:54:30 5 sentencing memorandum, I just wanted to lay out for the  
18:54:34 6 Court again the number of times that Wassim Mazloun  
18:54:36 7 mentions Iraq. This is the place that he talks about  
18:54:41 8 when he talks about fighting, when he talks about  
18:54:43 9 getting training for jihad, when he talks about engaging  
18:54:47 10 in military action. And he's very -- he realizes the  
18:54:53 11 importance of developing connections in Iraq. I don't  
18:54:56 12 know if Your Honor recollects, but there's a point in  
18:54:59 13 time where Darren Griffin basically says, Well, we'll  
18:55:02 14 just go over there, and if we get captured -- not one of  
18:55:05 15 his finer moments as a source for the government. Mr.  
18:55:09 16 Griffin says, If we go over there and get captured by  
18:55:14 17 Zarqawi, we'll have them call back to the U.S., and they  
18:55:16 18 can vouch for us. And Mr. Mazloun and Mr. Amawi say,  
18:55:19 19 That's a pretty preposterous idea because they're not  
18:55:23 20 going to know who you are if they call the law in  
18:55:25 21 Toledo. So Mazloun recognizes the importance of these  
18:55:33 22 connections. They're not connections for legitimate  
18:55:35 23 business purposes; they're connections to the mujahidin,  
18:55:38 24 as he puts it.

18:55:41 25 I just want to play two clips that occurred

18:55:44 1 sort of during the more active part of his training.

18:55:48 2 One of them is from February 16 of 2005 at Marwan

18:55:52 3 El-Hindi's house. This is SM286918519A-3.

18:58:48 4 (Audio played and transcript displayed.)

18:58:49 5 MR. HERDMAN: Two months later again on

18:58:52 6 April 20 Mazloun again talks about the importance of

18:58:56 7 these connections. This is SM4869185-3A-3.

18:59:09 8 (Transcript displayed.)

18:59:21 9 MR. HERDMAN: There doesn't appear to be

18:59:23 10 audio.

19:00:42 11 MR. HERDMAN: There, Your Honor, that's Mr.

19:00:44 12 Amawi talking about his -- the Syrian connection for

19:00:48 13 Astrolite with Darren Griffin. And Wassim Mazloun's

19:00:51 14 listening in on this. And he says -- remember what

19:00:53 15 happens; We need to stay in contact with these people

19:00:55 16 because these are the real connections, as far as he can

19:00:58 17 tell just based on this little conversation.

19:01:01 18 And I remind the Court also that the next

19:01:04 19 day or two following that conversation Mr. Griffin asks

19:01:08 20 Mr. Amawi, Should I not have brought it up in front of

19:01:13 21 Wassim? And Mr. Amawi says, No, no, it's fine. Don't

19:01:16 22 worry about it. He's trusted. So again demonstrating

19:01:21 23 the importance that he acknowledges, much more so than

19:01:24 24 Mr. Griffin does, the importance of connections to get

19:01:26 25 into Iraq.

19:01:27 1 And this leads me to what I know the Court  
19:01:30 2 has already raised as something that you're considering,  
19:01:33 3 which is the fact that as an active participant, at  
19:01:39 4 least in some of the training here, Wassim Mazloun does  
19:01:43 5 not make a reappearance after April 29, 2005. There is  
19:01:47 6 one reappearance which I'll talk about in connections in  
19:01:52 7 Iraq, but I think it's important to note a few things.  
19:01:54 8 Again, it's speculation for the government to try to  
19:01:57 9 endeavor what he was thinking at this point in time.  
19:02:00 10 But I would just throw a few things out for the Court  
19:02:04 11 that I know were developed in the evidence at trial.

19:02:06 12 One of the most important things that I'll  
19:02:08 13 try to set out here is Mr. Mazloun was very, very, very  
19:02:11 14 eager to start this training. He wanted to get going.  
19:02:13 15 And as the Court knows very well, that is something that  
19:02:16 16 Mr. Griffin was not going to be able to do. He was not  
19:02:19 17 going to be able to provide training in explosives. He  
19:02:22 18 was not going to be able to teach Mr. Mazloun how to  
19:02:27 19 conduct an ambush with explosive devices. And Mr.  
19:02:30 20 Mazloun himself expressed frustration with this. So in  
19:02:34 21 essence he may -- and keep in mind, Your Honor, the  
19:02:38 22 conversation about the connection -- his connections in  
19:02:42 23 Iraq. Maybe Mr. Mazloun figured the utility of Mr.  
19:02:45 24 Griffin was limited in some way. But more importantly,  
19:02:47 25 and I think some of that was definitely developed at

19:02:50 1 trial, is that Mr. Mazloun had a pending naturalization  
19:02:54 2 application at this point in time. That was a  
19:02:56 3 naturalization granted in the summer of 2005 to his  
19:03:00 4 mother and his brother. And it's quite likely that Mr.  
19:03:07 5 Mazloun looked at the situation that he was in and  
19:03:10 6 decided that it probably wasn't worth risking getting  
19:03:14 7 his naturalization in this jihad training until he  
19:03:18 8 received it. His family received it in the summer of  
19:03:22 9 2005. So it's not impossible that he would be able to  
19:03:24 10 restart, reset the training after he received his  
19:03:27 11 citizenship. And the fact that Wassim Mazloun knew  
19:03:30 12 that he could get in trouble for this was very apparent  
19:03:35 13 because one of the very first meetings, I believe  
19:03:38 14 November 17, 2004, he said, Well, if we go out in the  
19:03:41 15 woods to train, we should carry other weapons, hunting  
19:03:44 16 weapons, in case somebody stops us so we can tell them  
19:03:47 17 we're just out there hunting so we'll have, in essence,  
19:03:50 18 a cover as to why we're out there in the woods training.  
19:03:53 19 So he knew that he could get in trouble for this. And  
19:03:57 20 he probably did not want to jeopardize his pending  
19:04:01 21 naturalization application. That's speculation. But  
19:04:03 22 what is important and what I do want to draw the Court's  
19:04:06 23 attention to --

19:04:07 24 THE COURT: I wouldn't say it's entirely  
19:04:08 25 speculation. You pointed to facts in the record that



19:04:11 1 support that inference as an explanation for his  
19:04:18 2 apparent turning of his back.

19:04:22 3 MR. HERDMAN: But despite all of that, Your  
19:04:24 4 Honor, in September of 2005, Darren Griffin -- now, he  
19:04:29 5 does go to -- he does go to Mr. Mazloun. But this is  
19:04:32 6 after Mr. Griffin has returned from Jordan.

19:04:37 7 If I may back up for just a moment. There  
19:04:40 8 is one other point. I know the Court knows this, but  
19:04:44 9 mention had been made at other times that the focus of  
19:04:47 10 the investigation took a somewhat different turn in  
19:04:51 11 April/May of 2005 with the potential developing of the  
19:04:59 12 overseas contacts of Mohammad Amawi. And really at  
19:05:01 13 that point in time, if you look at Marwan El-Hindi's  
19:05:05 14 active participation, Wassim Mazloun's, the focus of the  
19:05:09 15 investigation was clearly on Mr. Amawi at that point in  
19:05:12 16 time. I know you know that. I just wanted to make  
19:05:14 17 sure the record is clear on that for a potential  
19:05:18 18 explanation for why there was no contact.

19:05:21 19 But in September of 2005 after he gets back  
19:05:23 20 from Jordan, Mr. Griffin goes to Mr. Mazloun's car  
19:05:27 21 dealership, and they have a conversation. And I think  
19:05:31 22 this conversation is very revealing, Your Honor. I  
19:05:34 23 know I mentioned it before, but I think if you look at  
19:05:37 24 the substance of this conversation, it's clear that the  
19:05:39 25 desire to go to Iraq and to develop connections with the

19:05:42 1 Mujahidin still remains with Mr. Mazloun. And this  
19:05:45 2 clip is -- it's from September 29, 2005. And this clip  
19:05:56 3 is 103-69185-2A.

19:07:23 4 (Audio played and transcript displayed.)

19:07:25 5 MR. HERDMAN: Again, this is Mr. Griffin  
19:07:27 6 completely misunderstands what it is that Mr. Mazloun is  
19:07:31 7 asking about. He thinks he's talking about getting cars  
19:07:34 8 overseas. That's why he s saying 2004s or '5s? Mr.  
19:07:39 9 Mazloun says, Cars? I'm not talking about cars. I'm  
19:07:42 10 talking about the mujahidin. And he knows he just got  
19:07:46 11 back from Jordan. So it's clear he wants to find out  
19:07:49 12 if there's any legitimate connections. Again, that's  
19:07:52 13 his concern.

19:07:53 14 There was additional contact in January of  
19:07:56 15 2006 between Mr. Griffin and Mr. Mazloun, and that one  
19:08:02 16 again references Iraq. I won't play it for the Court,  
19:08:04 17 but it's referenced in our memorandum.

19:08:06 18 And I guess to sum up, Your Honor, this is  
19:08:13 19 not some sort of fleeting participation in the  
19:08:18 20 conspiracy. I know you made a finding last week for  
19:08:22 21 Mr. Mazloun. To the extent that we haven't objected  
19:08:27 22 already, we would object to that.

19:08:30 23 THE COURT: I don't think much of this was  
19:08:33 24 called to my attention, but go ahead.

19:08:35 25 MR. HERDMAN: And that may be true. To the

19:08:37 1 extent that it wasn't, that's certainly our fault.

19:08:45 2 THE COURT: I think what you're saying is he  
19:08:47 3 had an intense interest to be trained in very dangerous  
19:08:52 4 techniques.

19:08:52 5 MR. HERDMAN: Correct.

19:08:54 6 THE COURT: Particularly bomb making and  
19:08:57 7 placement.

19:08:58 8 MR. HERDMAN: Yes, Your Honor.

19:09:00 9 THE COURT: Particularly in Iraq.

19:09:02 10 MR. HERDMAN: Yes.

19:09:03 11 THE COURT: And that his lack of engagement  
19:09:10 12 with either Amawi or Griffin might be attributable to  
19:09:17 13 the fact he had a pending naturalization application.

19:09:21 14 MR. HERDMAN: Yes.

19:09:22 15 THE COURT: That doesn't mean that his  
19:09:24 16 interest and ultimate desire had waned at all. In  
19:09:28 17 fact, I assume you would suggest that the most that can  
19:09:34 18 be deduced might be that it was status quo. There's  
19:09:38 19 certainly nothing in the record with reference to him  
19:09:47 20 that shows his interest had indeed waned or his desires  
19:09:51 21 had been abandoned.

19:09:53 22 MR. HERDMAN: That's correct, Your Honor.

19:09:55 23 And what I would say is that although his contacts with  
19:09:58 24 Mr. Griffin may have been few, or at least fewer than  
19:10:03 25 his co-conspirator, they were of such a nature and of

19:10:07 1 such a serious purpose that they evinced really a  
19:10:12 2 profound concern for any sentence that substantially  
19:10:18 3 varies from life. And I know Your Honor is going to  
19:10:21 4 vary from a life sentence. But obviously that's what  
19:10:24 5 we're asking for. And I'm not going to suggest some  
19:10:27 6 alternative sentence at this point. But in Mr.  
19:10:32 7 Mazloun, he is unique among his co-conspirators in the  
19:10:36 8 sense he's not a citizen, and he is removable. But  
19:10:40 9 that is a fact -- and the Court's already expressed  
19:10:43 10 this. I think it just goes to putting him closer to a  
19:10:46 11 place where he can put people in immediate peril. And  
19:10:49 12 Mr. Mazloun made no secret of the fact he wanted to  
19:10:53 13 engage in jihad, he wanted to kill people, how he wanted  
19:10:57 14 to kill them and where he wanted to kill them. And for  
19:10:59 15 those reasons he was convicted of the crimes he was  
19:11:02 16 charged with. And I submit to Your Honor that he  
19:11:04 17 should receive a very substantial sentence as a result  
19:11:08 18 for all the factors that are outlined in 18 U.S.C.  
19:11:14 19 3553.

19:11:18 20 THE COURT: Mr. Helmick.

19:11:20 21 MR. HELMICK: Your Honor, is there a  
19:11:21 22 particular place you'd like me to begin?

19:11:33 23 Judge, I had kind of approached -- we had  
19:11:37 24 kind of approached the sentencing without necessarily  
19:11:39 25 relitigating issues for trial. I understand that the

19:11:42 1 government's point or focus is to try to say these are  
19:11:45 2 issues that we think bear on aggravation or mitigation  
19:11:48 3 with regard to a sentence. Nevertheless, Judge, I  
19:11:52 4 don't want to get into a tit-for-tat on every issue and  
19:11:56 5 point that's been raised by the government that occurred  
19:12:00 6 during the period from November 2004 to April of 2005.  
19:12:04 7 The evidence is what it is. I heard it last year.  
19:12:08 8 You did too, and so did the jury.

19:12:11 9 I guess a few things, though, I would like  
19:12:14 10 to touch on or clarify to the Judge. There was  
19:12:17 11 evidence in the record to indicate that some of this  
19:12:20 12 issue of eagerness or earnestness or energeticness,  
19:12:25 13 which of course the jury didn't find, they found a  
19:12:28 14 willing joinder participation in a criminal conspiracy  
19:12:33 15 and acts in furtherance of that conspiracy. That may  
19:12:36 16 be an inference that the government wants to draw and  
19:12:38 17 argue, but it's, of course, not what they found. But  
19:12:43 18 during this period of time you might remember the  
19:12:46 19 Mazloun family. And there was testimony about this at,  
19:12:51 20 I believe, the bond hearing and certainly during the  
19:12:53 21 defendant's case in chief during the trial, that there  
19:12:56 22 was a planned family trip to Lebanon, and possibly for  
19:13:01 23 an arranged marriage. This is not relitigating the  
19:13:04 24 case; in fact, this is not inconsistent with the jury's  
19:13:07 25 verdict, Judge. If I might just elaborate. There was

19:13:10 1 a planned trip perhaps for that summer of 2005. There  
19:13:14 2 was still existing at that time a mandatory military  
19:13:17 3 service requirement for Mr. Mazloun based on his age and  
19:13:21 4 his status as a Lebanese national at that time. And  
19:13:25 5 there is evidence in the record to indicate that he  
19:13:29 6 might be returning home and that he might be serving,  
19:13:35 7 not voluntarily, in the Lebanese Army for a period of  
19:13:38 8 six months. In fact, there were tapes played that  
19:13:41 9 indicated some discussion of that. And I am not,  
19:13:44 10 Judge, trying to relitigate here that that was his only  
19:13:46 11 purpose in training and so forth. That was for the  
19:13:51 12 jury to decide. They made their decision at least a  
19:13:54 13 purpose or primary purpose was an unlawful purpose, not  
19:13:58 14 a purpose of training for Lebanon. Nevertheless, the  
19:14:02 15 timing, Judge, is that he was planning on this trip to  
19:14:04 16 go to Lebanon with his family that summer, and military  
19:14:08 17 service still hung out there as a possibility. And he  
19:14:13 18 talks about trying to learn here before he goes there --  
19:14:15 19 not Iraq, Lebanon -- when he goes there for a period of  
19:14:20 20 military service.

19:14:21 21 Here's what changed, Judge. Sometime in  
19:14:24 22 April or May, he got back on the right path from  
19:14:28 23 whatever happened or what he had done before then. And  
19:14:34 24 there's a number of ways we know that happened. After  
19:14:36 25 that second trip to the shooting range on April 29,

19:14:40 1 2005, which was the last time that he went, and, in  
19:14:44 2 fact, the last time that he saw Darren Griffin except  
19:14:47 3 for Darren Griffin showing up twice at his place of  
19:14:50 4 business at the car lot -- which I'll get to in a little  
19:14:53 5 bit here -- at that time he was -- Judge, he was out.  
19:14:59 6 Maybe forget legal withdrawal. Again, I'm not trying  
19:15:03 7 to relitigate the case. But for mitigation purposes,  
19:15:06 8 this makes a difference to you for his intent, his life  
19:15:09 9 choices and how you perceive him to be a threat or his  
19:15:12 10 future dangerousness. I submit to the Court that if  
19:15:15 11 you look at everything in toto, a fair assessment is  
19:15:19 12 that he left whatever it was that the jury found that he  
19:15:24 13 did, he got out of.

19:15:26 14 And on May 18 of '05, Judge, there was an  
19:15:31 15 important discussion as it concerns him and intent  
19:15:35 16 between Mr. Amawi and Mr. Griffin. And Mr. Amawi  
19:15:39 17 expresses his desire to move forward without Wassim,  
19:15:46 18 without Mr. Mazloun. Mr. Griffin comments on how Wassim  
19:15:50 19 will not call him back or return his calls, and that  
19:15:55 20 they really need committed brothers; the suggestion  
19:15:58 21 being he doesn't have the commitment. That's for Mr.  
19:16:01 22 Griffin and his discussion with Mr. Amawi on May 18.  
19:16:05 23 And, in fact, Judge, we have no documented contact  
19:16:10 24 between Mr. Griffin and Mr. Mazloun or any acts in  
19:16:15 25 furtherance of any training or other purpose at all

19:16:19 1 throughout the balance of the case. In fact, the next  
19:16:24 2 documented contact with Mr. Griffin is not until the one  
19:16:27 3 that Mr. Herdman referred to on September 29, 2005. At  
19:16:33 4 that time, Judge -- and you may remember that  
19:16:35 5 recording -- Mr. Griffin shows up uninvited, unannounced  
19:16:42 6 at the car lot. And by this time Wassim had been  
19:16:44 7 previously working at his uncle's car lot but had now  
19:16:49 8 opened his own without telling Mr. Griffin. There's no  
19:16:53 9 evidence of that, but Mr. Griffin tracked him down  
19:16:55 10 anyway and showed up. It's clear from the context of  
19:16:58 11 that conversation that they have had no contact. There  
19:17:02 12 may be a comment of some sort from Mr. Griffin like,  
19:17:05 13 You're a busy man, you know, Judge, which I think leads  
19:17:09 14 to a permissible inference that, jeez, I haven't been  
19:17:12 15 able to get a hold of you or track you down.

19:17:16 16 At that September 29, 2005 meeting, Judge,  
19:17:18 17 Mr. Griffin announces that he and his family are moving  
19:17:23 18 to Jordan. That, of course, wasn't true, but Mr.  
19:17:26 19 Mazloun didn't know that. And Mr. Mazloun's reaction  
19:17:30 20 is instructive, which is, Oh, good for you.  
19:17:33 21 Congratulations. You'll have trouble at first because  
19:17:36 22 of the language barrier when you go over there. But,  
19:17:40 23 Judge, notably it's not, well, who's going to resume my  
19:17:43 24 training when you leave? Or, How can you abandon me if  
19:17:47 25 I want to resume my training or continue my training



19:17:49 1 with you? There's no such reference. Nor is there  
19:17:52 2 anything about, After you get settled, I'll come to  
19:17:56 3 Jordan and visit you, and we can resume training and our  
19:17:59 4 plans together. There's nothing of the sort. It's  
19:18:02 5 casual conversation in that sense. And Mr. Mazloun  
19:18:08 6 doesn't appear the least bit alarmed, although you can  
19:18:12 7 certainly tell there might be some level of discomfort  
19:18:15 8 with Mr. Griffin's arrival and discussion while they're  
19:18:19 9 there at the car lot that day. But other than the  
19:18:24 10 assertion that he inquires about the brothers overseas  
19:18:28 11 of the mujahidin, which I suggest to the Court is  
19:18:30 12 frankly just a relevant frame of reference that he had  
19:18:34 13 with Mr. Griffin in terms of prior contact. They're not  
19:18:38 14 together because they played soccer together. They're  
19:18:41 15 together because Mr. Griffin was trying to get the  
19:18:45 16 recruit or bring people together in the cell previously.  
19:18:49 17 That's the relevance of the contact. That's what Mr.  
19:18:52 18 Griffin was pushing, what he was selling. After that  
19:18:55 19 meeting, Judge, there's no more contact between the two  
19:18:58 20 of them until January 30, 2006. And again, there's an  
19:19:04 21 uninvited, unannounced -- this is what the Court was  
19:19:07 22 remembering from the evidence or perhaps our argument  
19:19:10 23 previously. There's another uninvited, unannounced  
19:19:14 24 visit to the car lot on January 30, 2006. At that  
19:19:19 25 point Mr. Mazloun is apparently surprised to see Mr.

19:19:23 1 Griffin because he thought he had moved to Jordan like  
19:19:25 2 he had announced last September. But at any rate, Your  
19:19:29 3 Honor, there's no sale on behalf of Mr. Mazloun. He's  
19:19:33 4 not interested in joining up with Mr. Griffin. He's  
19:19:36 5 not interested in moving abroad or overseas. During  
19:19:39 6 the earlier visit, Your Honor, in September, Mr. Griffin  
19:19:42 7 didn't even know that Mr. Mazloun was a student, that he  
19:19:46 8 had reenrolled at the University of Toledo, that he had  
19:19:49 9 completed maybe roughly four years of course work in  
19:19:53 10 engineering programming and computer science. He  
19:19:56 11 expressed a surprise of what his major is and what he's  
19:20:00 12 doing. And by January, Wassim is maybe one semester  
19:20:03 13 short after that of being able to join up or being able  
19:20:07 14 to complete his course work, his bachelor's in  
19:20:11 15 engineering and computer science. From all  
19:20:14 16 appearances, Judge, this man has been a source of  
19:20:17 17 support to his family since the age of 12 or so when his  
19:20:20 18 father abandoned them. He's taken care of his family  
19:20:24 19 at home like he has previously, like he has since he was  
19:20:27 20 a young man. And he's working at the car lot. And  
19:20:30 21 he's trying to complete a rigorous engineering program  
19:20:33 22 at the same time. Does this sound like somebody that  
19:20:36 23 poses a future threat? Does this sound like somebody  
19:20:38 24 who's still engaged or interested in being engaged with  
19:20:43 25 someone like Darren Griffin?

19:20:44 1 And as for Mohammad Amawi, Your Honor, some  
19:20:47 2 of the indication with regard to contact there, they  
19:20:49 3 have known each other for a long time. I believe  
19:20:52 4 there's evidence in the record to suggest they met in  
19:20:55 5 2000 or 2001 after Mr. Mazloun arrived here. Maybe  
19:20:59 6 first at the Mosque, and also through soccer for a  
19:21:03 7 period of time. He became friends with Mohammad Amawi,  
19:21:06 8 obviously. He also became friends with his family,  
19:21:09 9 Judge; with his brother who testified here yesterday on  
19:21:11 10 behalf of Mr. Amawi, and with his mother as well.

19:21:16 11 I don't know of what importance the Court  
19:21:19 12 places in the August, 2009 phone call by Mr. Mazloun to  
19:21:23 13 Mr. Amawi's family in Jordan.

19:21:25 14 THE COURT: I don't think it's any evidence  
19:21:27 15 of some sort of ongoing conspiracy or whatever. It was  
19:21:37 16 something he shouldn't have done. A bit of his  
19:21:44 17 willingness to take risks. My understanding, you're on  
19:21:49 18 full notice they may be monitored and listened to.  
19:21:52 19 There are signs right next to the phones.

19:21:55 20 MR. HELMICK: I understand, Your Honor, and  
19:21:56 21 I have the transcript if the Court would like to review  
19:21:59 22 it. It's short and quick. But I don't think it's  
19:22:01 23 nearly as nefarious as the government has portrayed in  
19:22:04 24 terms of what was -- and the other thing the Court  
19:22:07 25 should be aware of, Judge, is about two and what half

19:22:10 1 months ago, it was -- he wasn't cited by the BOP for any  
19:22:15 2 infraction, and no privileges have been restricted on  
19:22:18 3 his part. And he says twice during the conversation  
19:22:21 4 with Mr. Amawi's family, I can't tell you about that or  
19:22:23 5 talk about him because that's against BOP rules. Now,  
19:22:26 6 the government's suggesting that the very mention of the  
19:22:29 7 fact that Mr. Amawi's in general population in his  
19:22:34 8 unit --

19:22:34 9 THE COURT: I understand. It's a checkmark  
19:22:37 10 on the wrong side of the letter, but it doesn't add a  
19:22:42 11 great deal.

19:22:43 12 MR. HELMICK: Very well. Judge, I don't  
19:22:45 13 want to dissect a lot of the evidence during that period  
19:22:48 14 of November, 2004 to April, 2005. Just a couple of  
19:22:51 15 things I think to point out that are kind of important.

19:22:54 16 There was a clip played by Mr. Herdman from  
19:22:57 17 February 16, 2005 of the dinner meeting where there's  
19:23:02 18 mention of jihadist videos, and the Ansar website is  
19:23:06 19 mentioned. I thought we had brought this to the  
19:23:09 20 government's attention previously, Your Honor, at trial.  
19:23:12 21 But the Ansar website suggestion was made on the tape,  
19:23:16 22 that's Mr. El-Hindi's voice, not Mr. Mazloun's. And I  
19:23:21 23 guess I'd like some resolution of that by the Court if  
19:23:26 24 the Court deems that appropriate. And here's where I'm  
19:23:31 25 going with this, Judge. There was a lot of talk about

19:23:34 1 websites and jihadist videos and other things that were  
19:23:37 2 played, but conspicuously absent was anything connected  
19:23:41 3 to Mr. Mazloun. There was no computer seized, and  
19:23:44 4 there was no forensic evidence from the other  
19:23:48 5 defendants' computers to lead or suggest in any way that  
19:23:52 6 he was a participant in chatting or websites or  
19:23:55 7 downloading or distribution of videos. And, in fact,  
19:23:58 8 Your Honor, from the photographs that were taken and  
19:24:03 9 introduced in evidence here regarding his arrest at his  
19:24:06 10 mother's home at that time, there is a computer present  
19:24:09 11 in the home that's depicted in the photographs that was  
19:24:12 12 not seized by the government. Now, I think they're  
19:24:15 13 very good at their jobs. They didn't miss anything.  
19:24:18 14 They didn't take it, and there's a reason they didn't  
19:24:20 15 take it. And the reason they didn't take it is because  
19:24:22 16 they had no suspicions with regard to him in that  
19:24:26 17 regard, in terms of the internet and electronic media.  
19:24:30 18 Which is why, unlike Mr. Amawi and Mr. El-Hindi, there  
19:24:33 19 is no such evidence seized or that was presented against  
19:24:38 20 him. And I think that's significant, Judge. And that  
19:24:41 21 ought to be a check in his favor, particularly in  
19:24:45 22 comparison to the other two.

19:24:50 23 May I have just a minute, Your Honor?

19:24:53 24 THE COURT: Of course.

19:25:02 25 (Discussion had off the record.)

19:25:02 1 MR. HELMICK: Judge, I didn't plan on  
19:25:03 2 spending a lot of time in terms of history and  
19:25:06 3 characteristics and his childhood in Lebanon other than  
19:25:11 4 it's laudable, him assuming the man of family at that  
19:25:14 5 time. I do bristle every time I read or hear the  
19:25:17 6 suggestion by the government that somehow he is an  
19:25:20 7 anti-semite because of an incursion --

19:25:24 8 THE COURT: No, I don't interpret anything  
19:25:26 9 the government said in that regard. Just that as a  
19:25:30 10 young child, he witnessed things that none of us have.  
19:25:41 11 To the extent the government links that to anything, it  
19:25:47 12 helped to provoke the interest in what he talked about,  
19:25:54 13 certainly there's nothing to say that he ever thought  
19:25:56 14 about at some point Israel.

19:26:06 15 MR. HELMICK: I'd simply indicate the  
19:26:08 16 evidence also reflects other incursions and problems  
19:26:11 17 including from Syria. It was not unique to Israel by  
19:26:16 18 any means. So in terms of a connection to U.S -- -

19:26:19 19 THE COURT: I think that's outweighed by  
19:26:22 20 what he's done with and for his family since coming  
19:26:24 21 here.

19:26:25 22 MR. HELMICK: Judge, I just indicate that  
19:26:26 23 because something -- many things about this man and his  
19:26:32 24 life and his family and his walking away ought to  
19:26:36 25 mitigate in favor of sentence. Over the past two days

19:26:39 1 I haven't heard the government concede that any  
19:26:42 2 defendant's presented one mitigating factor. Now they  
19:26:48 3 want to argue it's entitled to little weight or no  
19:26:51 4 weight. That's another matter. But I have yet --  
19:26:53 5 whether someone came from a good family or bad family,  
19:26:56 6 whether they have no record or a slight record, nothing  
19:26:59 7 seems to mitigate. I'd suggest to the Court there's  
19:27:01 8 much that mitigates about Wassim and the Court ought to  
19:27:05 9 consider in this case.

19:27:10 10 Judge, I'd like to shift gears for a moment.  
19:27:13 11 There's a lot of people here in the courtroom. I'm not  
19:27:16 12 going to introduce them all. I simply want to make  
19:27:19 13 reference to the fact there are at least 20 people here.  
19:27:22 14 We lost about three, I think, because we were originally  
19:27:26 15 scheduled for 2:30. It happens. But present today  
19:27:29 16 are his mother, his two sisters, his brother, and  
19:27:32 17 numerous aunts, uncles, cousins, friends and relatives  
19:27:37 18 all here to show support.

19:27:38 19 While we're talking about that, Your Honor,  
19:27:40 20 we may as well address the deportation issues. While my  
19:27:44 21 understanding from talking to my expert, which is  
19:27:47 22 Mohammad Abdrabboh, who's on the telephone, who does a  
19:27:51 23 great deal of work in the area, is that it is certainly  
19:27:54 24 a possibility that's what the government wants to do, I  
19:27:57 25 understand it's not a certainty, but that it is the call

19:28:00 1 of Immigrations and Customs Enforcement, and not  
19:28:03 2 necessarily anything having anything to do with the  
19:28:05 3 Department of Justice or these people here or this  
19:28:12 4 Court. But we are going to ask the Court to consider  
19:28:14 5 recommending that he not be deported and that therefore  
19:28:17 6 the Court can impose the type of supervised release that  
19:28:22 7 the Court had envisioned in this case. But beyond  
19:28:26 8 that, Your Honor, I think the record fairly reflects  
19:28:30 9 that he is not the risk the Court ought to be concerned  
19:28:35 10 about if that ends up being beyond our control, beyond  
19:28:38 11 his control, and he is deported. I think that despite  
19:28:42 12 what you heard during those recordings from November to  
19:28:46 13 April, that's not a fair reflection of his life or his  
19:28:51 14 predisposition in any way. It's not a reflection of  
19:28:54 15 his life since he entered the U.S. in 2000 until such  
19:28:59 16 time he was recruited into this conspiracy.

19:29:01 17 THE COURT: It may be a fair reflection in  
19:29:05 18 the sense that it's there. I think you're saying it's  
19:29:08 19 not a full reflection or one that fully and fairly  
19:29:11 20 presents the whole man.

19:29:12 21 MR. HELMICK: Thank you. That's much  
19:29:14 22 better said. Thank you, Your Honor. That is what I  
19:29:16 23 intended to say.

19:29:21 24 And, Your Honor, I do believe -- by the way,  
19:29:23 25 Judge, yes, Mr. Herdman is correct in assuming he does



19:29:26 1 still have family back in Lebanon if he were deported.

19:29:29 2 It's also the intention of his family, his immediate

19:29:32 3 family to relocate if he were deported. He would have

19:29:36 4 the benefit of his mother and sisters and brother even

19:29:39 5 though they have secured U.S. citizenship. Their plan

19:29:42 6 is to support him, and their plan is to relocate.

19:29:46 7 Obviously a considerable sacrifice to them in terms of

19:29:50 8 what they've been able to establish here. But that's

19:29:52 9 how close the bond is in this family. And that's why

19:29:55 10 you see 20 people or so behind me that are here today to

19:30:00 11 support them, some of whom testified at the bond

19:30:03 12 hearing, some of whom testified at trial, some of whom

19:30:05 13 put up their property when he was on release.

19:30:08 14 In addition, Judge, you have that period of

19:30:10 15 time when he was out on release. You took a big

19:30:14 16 chance, a lot of people might say, in letting him out.

19:30:17 17 He did not let you down during that period of time.

19:30:19 18 And interestingly, Judge, the government chose not to

19:30:22 19 appeal. I don't doubt for a minute that it wouldn't

19:30:36 20 have been considered a frivolous appeal by the Circuit

19:30:39 21 that government had taken up his pretrial release order

19:30:42 22 from this Court had they chosen to do so. They didn't.

19:30:44 23 That's not a criticism. I'm commending the government.

19:30:47 24 They made the right decision in not doing that. But if

19:30:51 25 he's such a great risk, Your Honor, why did they let him

19:30:54 1 out? Admittedly, you had him on a short leash, quite  
19:30:58 2 literally, in terms of the conditions during the time he  
19:31:01 3 was released, but they didn't take it up, and he didn't  
19:31:04 4 abuse your trust, and he has always been respectful to  
19:31:07 5 the government, its employees, and to this court, and to  
19:31:11 6 the law other than his involvement in this conspiracy as  
19:31:14 7 has been charged an he's been convicted here. And when  
19:31:18 8 that day came, and the government, to their credit, gave  
19:31:21 9 us a heads-up they would be asking for revocation of his  
19:31:24 10 pretrial release if the jury verdict came back and he  
19:31:27 11 was found guilty, and when they did, he instructed us  
19:31:32 12 not to argue. He said, it's fine; I'll go in. And he  
19:31:36 13 did it with grace; he did with it humility, and he did  
19:31:40 14 it with the respect for the judicial system of this  
19:31:43 15 Court and for the government at that time. I don't  
19:31:46 16 know what you would have done had he authorized us to  
19:31:50 17 object to him going into custody. Maybe you don't  
19:31:52 18 know, Your Honor. But the fact is he didn't. And he  
19:31:55 19 was willing to do it. He has always shown that abiding  
19:31:58 20 respect. And it's been true at Milan despite some  
19:32:02 21 difficult conditions. You might remember at first they  
19:32:05 22 were all kind of forced together; made, I think,  
19:32:07 23 government counsel and us quite uneasy. But despite  
19:32:12 24 all of that and throughout all that period of time he  
19:32:15 25 has behaved himself commendably. And I really do

19:32:19 1 believe the report supports that he was out of this.  
19:32:23 2 He was back on the right path, back in school getting  
19:32:26 3 his degree, working, and to support his family and  
19:32:30 4 spurning ever overtures or interest from Mr. Griffin at  
19:32:35 5 that time.

19:32:36 6 Judge, may I have just a moment?

19:32:37 7 THE COURT: Sure.

19:33:50 8 (Discussion had off the record.)

19:33:50 9 MR. HELMICK: Judge, one small point with  
19:33:53 10 regard to recruitment into the conspiracy. It's true  
19:33:59 11 that the contact or common conduit or common friend  
19:34:03 12 between Darren Griffin and Wassim Mazloun was Mr. Amawi.  
19:34:07 13 But I think the record's pretty clear that it was Mr.  
19:34:12 14 Griffin that was probing Mr. Amawi, inquiring of Mr.  
19:34:16 15 Amawi, asking him --

19:34:17 16 THE COURT: I remember that well.

19:34:19 17 MR. KERGER: And pushing for him to reach  
19:34:20 18 out and make that connection, Your Honor.

19:34:22 19 THE COURT: I remember that well.

19:34:42 20 MR. HELMICK: Judge, do you want me to  
19:34:43 21 address the government's request for a life sentence?

19:34:45 22 THE COURT: No. That's quite all right.  
19:34:47 23 I do intend to vary. I'll make my mind up how much.

19:34:53 24 MR. HELMICK: Very well, Your Honor. Then  
19:34:54 25 at this time, Judge, we have nothing more. Depending on

19:34:57 1 what the government offers, we might like to be heard  
19:34:59 2 again.

19:34:59 3 THE COURT: Mr. Mazloun is prepared to speak  
19:35:03 4 on his own behalf if you'd like him to do so?

19:35:06 5 MR. HELMICK: Judge, may we have a few  
19:35:08 6 minutes to talk to him? I believe I mentioned that.  
19:35:12 7 May we have a few minutes, please?

19:42:10 8 (Recess taken.)

19:42:17 9 THE COURT: Mr. Helmick.

19:42:18 10 MR. HELMICK: Your Honor, at this time Mr.  
19:42:19 11 Mazloun wishes to address the Court briefly.

19:42:24 12 THE DEFENDANT: Your Honor, I want to thank  
19:42:33 13 you so much for allowing me to address the Court right  
19:42:37 14 now. I never thought I would be in this situation  
19:42:42 15 before, and I'm really stressed out right now and really  
19:42:45 16 nervous. But I thought it's important that I address  
19:42:49 17 you just so it won't be a point taken against me because  
19:42:54 18 I know my life is --

19:42:58 19 THE COURT: If you can clip that onto the  
19:43:01 20 collar, it works better, rather than handheld. Go  
19:43:10 21 ahead.

19:43:11 22 THE DEFENDANT: Your Honor, I would like to  
19:43:13 23 make a couple good points. Number one, I would like to  
19:43:16 24 thank you so much for you putting your trust in me in  
19:43:21 25 letting me out on bond. And I believe I did not let

19:43:25 1 you down. And hopefully, if anything, in the future  
19:43:28 2 you'll be lenient in my sentence. As a promise to you  
19:43:31 3 and the government and to everybody, I won't let you  
19:43:33 4 down again. I'm not really conceding that I'm guilty,  
19:43:39 5 and you know that -- I understand that's appeal there  
19:43:43 6 and stuff like that, and I won't go into that stuff. I  
19:43:48 7 know I got caught in some situations with Griffin and  
19:43:54 8 Amawi, and I said things that were wrong, that weren't  
19:43:57 9 supposed to be said. And I really, when I look back at  
19:44:02 10 them, I regret them so much. I never intend no harm.  
19:44:06 11 Hopefully I will never, and for sure I will never harm  
19:44:10 12 nobody in the future. That's a promise. The same  
19:44:15 13 when I make a promise on bond, I'm going to make you a  
19:44:18 14 promise in the future, a promise for you, for my family,  
19:44:21 15 I don't want to put my family in very bad situation. I  
19:44:25 16 had to bring them to court and other things I never  
19:44:28 17 imagine I would put them through, especially my mom.  
19:44:31 18 She's sick. She's having problems. I would like to  
19:44:34 19 get home as early as possible so I can take care of her.  
19:44:37 20 I can spend the rest of my life with her. I will care  
19:44:41 21 for my sisters throughout all my life, and I really love  
19:44:46 22 them so much, and they're -- they really need me out  
19:44:52 23 there. And it's a hard situation. I'm just asking  
19:44:58 24 for leniency.

19:44:59 25 I understand everything discussed in trial,

19:45:04 1 and the jury found me guilty. I would like you also,  
19:45:10 2 Judge, to consider something. When we first was put in  
19:45:14 3 Milan, we lived a year or a year and a half that was  
19:45:18 4 almost living in a grave.

19:45:21 5 THE COURT: That was?

19:45:22 6 THE DEFENDANT: Almost like living in grave.  
19:45:26 7 It was very bad situation. Of course I tried to stay  
19:45:29 8 out of trouble. I tried to respect the persons in the  
19:45:35 9 Bureau of Prisons and everything. But I want you to  
19:45:39 10 consider that because that year or year and a half in my  
19:45:43 11 opinion was -- it was a lot. I don't know how to  
19:45:52 12 describe it in English.

19:45:52 13 (Short discussion had off the record.)

19:45:56 14 THE DEFENDANT: Like receiving ten years,  
19:45:59 15 that's what he says

19:46:04 16 And that's it, Your Honor. Thank you very  
19:46:06 17 much for allowing me to talk.

19:46:08 18 THE COURT: Of course.

19:46:09 19 THE DEFENDANT: Thank you.

19:46:10 20 THE COURT: Anything further from the  
19:46:11 21 government?

19:46:11 22 MR. HERDMAN: Just briefly, Your Honor. I  
19:46:13 23 just wanted to clear up, Mr. Helmick made reference to  
19:46:16 24 one of the clips we played. It was at the beginning of  
19:46:21 25 the February 16, 2005 meeting. We don't remember having

19:46:25 1 that specific conversation with Mr. Helmick, but to the  
19:46:28 2 extent that it is important at all, it's really the  
19:46:31 3 reason that that conversation is important is that  
19:46:33 4 that's the moment he walks through Mr. El-Hindi's house,  
19:46:37 5 the conversation is not about sports or cars or women or  
19:46:41 6 food or things that men usually talk about. It's about  
19:46:44 7 jihad. And whether Mr. El-Hindi said that or Mr.  
19:46:50 8 Mazloun --

19:46:50 9 THE COURT: I understand. It was said  
19:46:51 10 early on.

19:46:52 11 MR. HERDMAN: Yes.

19:46:54 12 A couple other quick points. Defense  
19:46:58 13 counsel has asked for you to make a recommendation  
19:47:00 14 regarding not deporting Mr. Mazloun. And our position  
19:47:04 15 on this would be the same as it is with any other  
19:47:07 16 request that's been made by defense counsel asking the  
19:47:10 17 Court to make a certain recommendation. It's been my  
19:47:13 18 experience that dealing with CIS they don't do what the  
19:47:17 19 DOJ asks them to do, and they don't usually do what the  
19:47:20 20 Court --

19:47:20 21 THE COURT: I won't ask you to join in any  
19:47:22 22 such request.

19:47:26 23 MR. HERDMAN: I'd ask the Court --

19:47:28 24 THE COURT: I expect that I will make that  
19:47:30 25 recommendation, realizing that it probably carries less

19:47:34 1 weight even than a recommendation to the Bureau of  
19:47:37 2 Prisons.

19:47:37 3 MR. HERDMAN: Actually, I was going to --  
19:47:38 4 well, our position is, to clarify, is that you not make  
19:47:41 5 any recommendation. It's not any different than the  
19:47:44 6 BOP making a recommendation that essentially, I don't  
19:47:47 7 believe, carries any legal authority. I may be wrong  
19:47:50 8 about that.

19:47:50 9 THE COURT: In this situation, because the  
19:47:53 10 alternative to that is lifelong supervised release, I  
19:47:57 11 think that would significantly assuage my concerns. So  
19:48:02 12 I will state that. And if they pay attention, they pay  
19:48:05 13 attention. If they don't, they don't. The request  
19:48:09 14 has been made. I'm inclined to go ahead -- go ahead.

19:48:13 15 MR. HERDMAN: The notion that the  
19:48:16 16 government, we didn't object to your decision on bond --

19:48:20 17 THE COURT: I understand. You made a  
19:48:21 18 choice. But what does matter is he did serve -- or  
19:48:25 19 during that period of time there was no incident and no  
19:48:30 20 concern raised by Pretrial Services.

19:48:33 21 MR. HERDMAN: That was the only point I  
19:48:35 22 wanted to make with respect to that.

19:48:36 23 THE COURT: That doesn't surprise me, quite  
19:48:38 24 candidly. This is not the situation where you have  
19:48:42 25 someone who's been involved in drugs or whatever. It's



19:48:45 1 one of the reasons that I did release him.

19:48:47 2 MR. HERDMAN: Mr. Mazloun just asked for, I  
19:48:49 3 guess, some sort of leniency based on the, I guess,  
19:48:52 4 conditions that he had at Milan at the outset of his  
19:48:56 5 pretrial detention. And I would just caution the  
19:48:59 6 Court --

19:48:59 7 THE COURT: I understand. That's not a  
19:49:00 8 relevant factor.

19:49:02 9 MR. HERDMAN: Finally, I think it's -- I  
19:49:05 10 think it's important that the government make clear that  
19:49:07 11 all three defendants have addressed the Court, and I  
19:49:12 12 don't believe any member of the government team has seen  
19:49:15 13 anything that equates to or nearly approximates  
19:49:19 14 acceptance of responsibility for their actions. Mr.  
19:49:22 15 Mazloun just said he's not conceding he's guilty.  
19:49:24 16 That's his right to do so. I can certainly understand  
19:49:27 17 why his attorneys would want him to say that. But when  
19:49:30 18 this Court is considering whether or not he's accepted  
19:49:34 19 what he did, whether or not he's expressed any remorse  
19:49:38 20 for what he did, the fact that he has not said that and,  
19:49:41 21 quite frankly, none of the defendants have that, I think  
19:49:44 22 is of very paramount importance with respect to coming  
19:49:49 23 up with an appropriate sentence. I know Mr. Helmick  
19:49:52 24 made a comment about the family, that Mr. Mazloun was  
19:49:54 25 supporting his family. And I just think it's very

19:49:57 1 important if we're going to have a last word on this,  
19:50:00 2 and this is pretty much it, this is a man who was so  
19:50:04 3 committed to this notion of engaging in jihad that he  
19:50:08 4 offered up not just his livelihood, not just his means  
19:50:14 5 of support, but that of his family. And I think that  
19:50:16 6 that fact is even more important, having been sort of  
19:50:23 7 highlighted by the defense comments. I think it's  
19:50:26 8 important when considering who Mr. Mazloun is and what  
19:50:29 9 he did and what he is capable of doing. And that's all  
19:50:33 10 I have from the government.

19:50:35 11 MR. HELMICK: Judge, I don't have much more  
19:50:38 12 except a couple of things. I think there was value in  
19:50:42 13 Mr. Mazloun's statement. Whether it constitutes a  
19:50:46 14 classic acceptance of responsibility, we didn't ask for  
19:50:50 15 such a declaration or points. We obviously have  
19:50:54 16 cautioned him about what he says and at he does when his  
19:50:57 17 case is going to go up on appeal. But he knew in  
19:51:00 18 essence everything I was going to say to the Court, and  
19:51:03 19 including that he got in the wrong path, that he got  
19:51:08 20 back on the right path. We haven't spent any time today  
19:51:12 21 challenging the legitimacy or validity of the jury's  
19:51:15 22 conclusion of the government's case. And I hope the  
19:51:20 23 Court found some basis, some meaning, some benefit for  
19:51:24 24 him in his statement. That's certainly how it was  
19:51:30 25 offered, genuinely and with that intent, and we would

19:51:33 1 ask the Court to take another chance on Wassim, as you  
19:51:37 2 did during pretrial release. Thank you, Judge.

19:51:39 3 THE COURT: Okay. I'm going to step down  
19:51:42 4 for a moment.

19:51:43 5 \* \* \*

19:58:47 6 (Recess taken.)

19:59:23 7 THE COURT: Before pronouncing sentence, I  
19:59:26 8 am going to vary substantially, and I will be imposing a  
19:59:30 9 sentence of 100 months. Let me explain why I am.  
19:59:34 10 Before I do, I want to acknowledge the government's very  
19:59:40 11 thoughtful commentary on the evidence because, quite  
19:59:48 12 honestly, it called to mind some things that had not  
19:59:53 13 been called to mind, despite the brief and everything  
20:00:00 14 else. And that's not to say that your colleagues didn't  
20:00:05 15 likewise raise several issues for consideration, but in  
20:00:09 16 this case, quite candidly, I've been thinking about --  
20:00:14 17 I'd been thinking about something more lenient than  
20:00:17 18 that. And I think the real issue and question here is  
20:00:22 19 both the issue of public deterrence, but also private  
20:00:25 20 deterrence. And I think on balance that Mr. Helmick  
20:00:32 21 responded to those concerns and has persuaded me that  
20:00:37 22 the risk of recidivism of any sort, most particularly  
20:00:42 23 recidivism with regard to this kind of activity, is  
20:00:49 24 sufficiently slight, though, of course, always present,  
20:00:54 25 that this sentence is not greater than is necessary to

20:00:57 1 accomplish the objectives and purposes of sentencing.

20:01:04 2 And in terms of the defendant's own history  
20:01:11 3 and characteristics, I'll try to back up and cover the  
20:01:15 4 other factors I've taken into account. I do believe  
20:01:22 5 that he had, in his own mind, abandoned his  
20:01:28 6 participation and dedication to doing the very, very  
20:01:33 7 troublesome things that Mr. Herdman so succinctly and so  
20:01:42 8 thoroughly pointed out. Without question I think this  
20:01:48 9 defendant more immediately and indeed perhaps more  
20:01:56 10 thoroughly embraced and extolled the -- what the jury  
20:02:09 11 has found to be the purposes of the conspiracy. But I  
20:02:15 12 think just as quickly and as brilliantly as that flame  
20:02:24 13 flared up, I truly believe that it was extinguished or  
20:02:30 14 certainly flickered and has flared out. Again, one can  
20:02:40 15 never say. Like a smoldering ember, it might someday  
20:02:45 16 flare back up, and I might be deeply regretful for  
20:02:50 17 having been as lenient as I believe my sentence is.  
20:02:56 18 It's a very substantial departure -- excuse me,  
20:02:59 19 variance.

20:03:03 20 I have stated earlier I will simply make an  
20:03:08 21 allusion in passing to the seriousness of this offense,  
20:03:11 22 and I think quite seriously the offense with which the  
20:03:13 23 defendant initially grabbed hold of the opportunity or  
20:03:22 24 apparent opportunity that Mr. Griffin was providing. I  
20:03:30 25 think, though, when one looks at the entire picture

20:03:39 1 presented by this young man, and with particular  
20:03:43 2 reference to how he has assumed adult responsibilities  
20:03:51 3 in an adult way before he was even an adolescent and,  
20:04:00 4 however, enduring the period of his most intense  
20:04:07 5 flirtation with the conspiracy and its objectives, he  
20:04:10 6 continued to fulfill those obligations, and he has  
20:04:18 7 continued to do so since then. He has returned to  
20:04:24 8 school; he's nearly completed a degree. He has  
20:04:26 9 operated a business, and he has been, as I understand  
20:04:36 10 it, probably not the sole support of his family when you  
20:04:40 11 have a family as large as this, I'm sure many people  
20:04:43 12 contribute, but he certainly has shouldered rather than  
20:04:47 13 shirked responsibility that has been borne for 16 or 17  
20:04:52 14 years. And I think that truly is the individual who  
20:04:57 15 stands before me this evening and that that is the  
20:04:59 16 individual whom I must sentence. And I do think that  
20:05:08 17 the sentence would, in the eyes of those who fully  
20:05:13 18 understand all the circumstances, promote respect for  
20:05:17 19 the law. I believe the sentence is a just sentence and  
20:05:23 20 one that does accommodate because, quite candidly, in my  
20:05:27 21 sort of tentative mulling this all over, I was giving  
20:05:32 22 thought to an even more lenient sentence. And I am  
20:05:37 23 persuaded that this sentence is the one that is  
20:05:43 24 appropriate under all the circumstances, and it is a  
20:05:50 25 sentence that is necessary to accomplish the objectives

20:05:56 1 of sentencing.

20:06:02 2 I believe that this will adequately deter  
20:06:06 3 the defendant. And I hope that, once again, this  
20:06:11 4 sentence sends a message that one must be cautious; one  
20:06:22 5 must not be trusting; one must not let one's views,  
20:06:26 6 whatever their origin may be, or however intensely they  
20:06:31 7 may be felt about our government, its activities, its  
20:06:35 8 policies, its use of military force, to cross the line  
20:06:41 9 into expressing the kinds of things Mr. Mazloun  
20:06:47 10 expressed and the kinds of desires that he expressed  
20:06:54 11 about acting in an aggressive, hostile, violent and  
20:07:02 12 potentially deadly way against our forces and others.  
20:07:10 13 People simply have to understand that given the nature  
20:07:14 14 of the threat posed to this country and many other  
20:07:23 15 countries, the evil of terrorism can mean the difference  
20:07:34 16 of ^ terrorism [sic] for the sanctity of human life and  
20:07:37 17 human endeavor; that our government will undertake and  
20:07:43 18 is, in my view, as I said earlier, fully justified in  
20:07:46 19 undertaking the kind of investigation which proceeds  
20:07:54 20 without any firm knowledge or even anticipation that  
20:07:57 21 anything may result, where it simply casts a net and  
20:08:04 22 sees what comes swimming by and comes swimming into that  
20:08:09 23 net and goes from there. Terrorism is an offense  
20:08:16 24 ultimately against humanity. And I can, quite  
20:08:22 25 candidly, think of no more vile or vicious or

20:08:27 1 unjustifiable offense that anybody not only can commit,  
20:08:31 2 but can even contemplate. And I hope that this  
20:08:35 3 sentence and the other sentences I've passed in this  
20:08:39 4 case makes clear that at least as far as this Judge and  
20:08:44 5 this Court is concerned, contemplation plus undertaking,  
20:08:52 6 contemplation plus manifesting a desire and willingness  
20:08:56 7 to others to become able and equipped and ready to  
20:09:03 8 engage in terrorism of any kind and any sort against  
20:09:07 9 anybody should be punished viciously and severely.

20:09:13 10 And I think, knowing that the government  
20:09:16 11 disagrees with me completely, that in this case and as  
20:09:20 12 to this defendant it is an adequately severe sentence to  
20:09:24 13 communicate that message and that, once again, I do not  
20:09:34 14 think in sending this message either I or the  
20:09:37 15 government, whose successful investigation requires me  
20:09:41 16 to send it, is seeking to or, in fact, is chilling the  
20:09:49 17 First Amendment rights of any law abiding citizen in  
20:09:53 18 this country despite this message and that effort and  
20:09:58 19 all the other efforts that the government is undertaking  
20:10:04 20 of a similar sort and character. I do not think any  
20:10:10 21 person has any reason to fear any adverse consequence  
20:10:13 22 from the full and robust exercise of the their right to  
20:10:19 23 speak both privately and publicly on issues of concern,  
20:10:23 24 whatever they may be, and whatever those words may be.  
20:10:30 25 Nor do I think that this sentence -- I certainly hope it

20:10:33 1 does not chill the right of anybody to exercise the  
20:10:38 2 freedom of association or the freedom of religion. I  
20:10:42 3 think the government is absolutely correct that despite  
20:10:46 4 whatever perception may exist in this or any other  
20:10:48 5 community, this is not an investigation, a prosecution,  
20:10:55 6 or a proceeding that targets persons of the Islamic  
20:10:59 7 faith. It targets, rather, and seeks to defend against  
20:11:06 8 and deter the dangers and risks of terrorism. Muslims  
20:11:14 9 are as endangered by that as any other members of our  
20:11:18 10 society; and they are, just like any other members of  
20:11:22 11 our society, are entitled to the protection that  
20:11:25 12 prosecutions -- investigations, prosecutions,  
20:11:30 13 convictions, and sentences of the sort that I impose now  
20:11:35 14 and imposed earlier today hopefully give to each and  
20:11:39 15 every one of us. And I believe that this sentence in  
20:11:44 16 this case provides another measure of public deterrence  
20:11:50 17 in conjunction with the other sentences meted out in  
20:11:54 18 this case. In doing so I believe I have adequately  
20:11:59 19 accommodated and protected the public interest because  
20:12:03 20 at the heart of what we've been doing the last couple of  
20:12:06 21 days and the last week is invoking the authority of this  
20:12:11 22 Court to do that, and do that most of all. And I  
20:12:14 23 believe that this sentence does accomplish that  
20:12:19 24 fundamentally crucial and important purpose.

20:12:24 25 This sentence may as well, and indeed I hope



20:12:26 1 that it does provide this defendant, who does stand upon  
20:12:31 2 the threshold of completing his undergraduate education,  
20:12:37 3 I hope that wherever he is confined that he will be able  
20:12:41 4 to fulfill the rest of his requirements and determine  
20:12:47 5 either here or, if deported, Lebanon at the very least a  
20:12:52 6 bachelor's degree and the opportunities to engage in a  
20:12:57 7 productive and law abiding career that that degree might  
20:13:03 8 help to provide.

20:13:10 9 So therefore formally to pronounce my  
20:13:14 10 sentence, pursuant to the Sentencing Reform Act of 1984  
20:13:31 11 and 18 U.S. Code Section 3553(a), it is the judgment of  
20:13:36 12 this Court that the Defendant, Wassim Mazloun, be and  
20:13:39 13 hereby is committed to the custody of the Bureau of  
20:13:42 14 Prisons to be imprisoned for a term of 100 months as to  
20:13:49 15 Count 1, and 100 months as to Count 2, those sentences  
20:13:54 16 to be served concurrently.

20:13:56 17 Upon release from imprisonment, if he is not  
20:13:59 18 remitted forthwith to the custody of Immigration and  
20:14:03 19 Customs Enforcement, or whatever successor agency may be  
20:14:07 20 responsible for instituting deportation proceedings, he  
20:14:12 21 shall be placed on supervised release for a life term as  
20:14:16 22 to Counts 1 and 2. If he is not held for deportation,  
20:14:21 23 he shall report within 72 hours of release from  
20:14:24 24 imprisonment to the custody of the Bureau of Prisons,  
20:14:27 25 the Probation Office in the district to which he's

20:14:29 1 released, or the Pretrial Service and Probation Office  
20:14:33 2 in this district.

20:14:36 3 No fine shall be imposed.

20:14:38 4 The defendant does have to pay a special  
20:14:40 5 assessment of \$200 which is due immediately. If not  
20:14:44 6 paid, it will be taken from his prison earnings.

20:14:47 7 While on supervised release, he shall comply  
20:14:49 8 with all the standard conditions routinely imposed by  
20:14:52 9 this Court and of which he will be made aware upon  
20:14:55 10 commencement of supervised release. You shall not  
20:14:57 11 commit another federal, state, or local crime; shall not  
20:15:01 12 illegally possess a controlled substance; shall comply  
20:15:03 13 with the standard conditions that have been adopted by  
20:15:06 14 this Court; and following additional conditions: the  
20:15:09 15 mandatory drug testing requirement will not be imposed.  
20:15:14 16 You shall not possess a firearm, destructive device, or  
20:15:17 17 dangerous weapon. If a detainer is lodged -- and,  
20:15:21 18 Deputy, a detainer has been lodged?

20:15:24 19 THE DEPUTY MARSHAL: That is correct, Your  
20:15:28 20 Honor; it has been lodged.

20:15:29 21 THE COURT: If that detainer is not executed  
20:15:31 22 but is withdrawn and he is released, shall surrender to  
20:15:36 23 the Bureau of Immigration and Customs Enforcement, U.S.  
20:15:39 24 Department of Homeland Security for deportation. And  
20:15:43 25 you should cooperate fully in deportation proceedings.

20:15:48 1 And you shall not, if deported, thereafter illegally  
20:15:51 2 reenter or remain within the United States. That  
20:15:54 3 means, Mr. Mazloun, if that happens -- I wish to express  
20:15:58 4 that I hope that it does not, for a couple of reasons.  
20:16:02 5 Quite candidly, principally, that way we can keep much  
20:16:05 6 better control over you and what you do. I'll take  
20:16:10 7 note of Mr. Helmick's representation your family members  
20:16:15 8 anticipate returning to Lebanon. If they do, that will  
20:16:18 9 probably provide the greatest measure of security  
20:16:21 10 against any recidivism on your part simply because if  
20:16:25 11 they make that investment, for you to betray that  
20:16:29 12 investment and commitment on their part, quite candidly,  
20:16:33 13 would be unthinkable and unpardonable. But if you are  
20:16:41 14 deported, to return lawfully to this country you must  
20:16:46 15 obtain prior approval of -- the Attorney General?

20:16:53 16 MR. SOFER: Yes. I think there's an another  
20:16:58 17 designee as well.

20:16:59 18 THE COURT: That's the one customarily  
20:17:02 19 people don't comply with that results in prosecution.

20:17:07 20 If on supervised release you shall submit  
20:17:11 21 your person, residence, place of business, computer, or  
20:17:14 22 vehicle to a warrantless search, conducted and  
20:17:16 23 controlled by the U.S. Probation Officer at a reasonable  
20:17:18 24 time and in a reasonable manner, based on reasonable  
20:17:20 25 suspicion of possession of contraband or evidence of a

20:17:23 1 violation of supervised release. Failure to submit to  
20:17:25 2 a search may be grounds for revocation. You shall  
20:17:28 3 inform any other residents that the premises may be  
20:17:31 4 subject to a search pursuant to this condition.

20:17:36 5 If on supervised release you shall provide  
20:17:38 6 the probation officer with any and all requested  
20:17:41 7 financial information.

20:17:43 8 You shall diligently seek to obtain; and if  
20:17:45 9 you obtain, diligently seek to maintain lawful, gainful  
20:17:49 10 employment. You shall cooperate in the collection of  
20:17:51 11 DNA required by the probation officer. You shall not  
20:17:55 12 associate with any members of a threat group as  
20:17:58 13 determined by the probation officer.

20:18:00 14 Do you wish me to make a request as to place  
20:18:03 15 of confinement, realizing that it may be entirely futile  
20:18:07 16 for me to do so?

20:18:08 17 MR. HELMICK: Judge, we understand that the  
20:18:11 18 BOP isn't bound by whatever you recommend. We also  
20:18:16 19 understand classification issues may conclude it. But  
20:18:21 20 if the Court would recommend Milan, Michigan FCI.

20:18:24 21 THE COURT: I will make that recommendation.  
20:18:25 22 Are there any objections to -- let me ask you this --  
20:18:28 23 once again, let me ask counsel whether there are any  
20:18:31 24 other factors or considerations that I'm required to  
20:18:34 25 take into account that I've overlooked?

20:18:39 1 MR. HERDMAN: I believe you've enumerated  
20:18:41 2 all the factors.

20:18:43 3 MR. HELMICK: Everything's fine.

20:18:44 4 THE COURT: Does the government have any  
20:18:46 5 objection to any part of these proceedings not  
20:18:48 6 previously made?

20:18:50 7 MR. HERDMAN: I can't think of any, Your  
20:18:52 8 Honor. Other than the ones previously made, no.

20:18:56 9 THE COURT: And, Mr. Helmick, do you or your  
20:18:58 10 client have any objection to any part of the proceedings  
20:19:01 11 that have not been previously made?

20:19:03 12 MR. HELMICK: No, Your Honor. Thank you.

20:19:04 13 THE COURT: Mr. Mazloun, as I trust you've  
20:19:06 14 already been made aware, you have the absolute right to  
20:19:09 15 take an appeal from the conviction and sentence. I  
20:19:12 16 encourage you to do so. It is your right, and I see no  
20:19:17 17 reason why you should not exercise that.

20:19:19 18 THE DEFENDANT: Thank you.

20:19:20 19 THE COURT: In doing so, you will have the  
20:19:21 20 absolute right to be represented by counsel. Discuss  
20:19:25 21 with Mr. Helmick and Mr. Doughten whether you would  
20:19:27 22 prefer to have other counsel than they representing you.  
20:19:31 23 That is your choice. If so, they will see to it that  
20:19:34 24 successor counsel is appointed for purposes of appeal.  
20:19:38 25 Do you understand that?

20:19:38 1 THE DEFENDANT: Yes, Your Honor.

20:19:40 2 THE COURT: If you fail to take a timely  
20:19:43 3 appeal, you will lose forever any right that you might  
20:19:46 4 otherwise have had to challenge either your conviction  
20:19:48 5 or your sentence by way of direct appeal, postconviction  
20:19:52 6 relief, habeas corpus, or otherwise. Do you understand  
20:19:56 7 that?

20:19:57 8 THE DEFENDANT: Yes, Your Honor.

20:19:57 9 THE COURT: Anything further from the United  
20:20:00 10 States?

20:20:00 11 MR. HERDMAN: No, Your Honor.

20:20:01 12 THE COURT: Anything further from the  
20:20:02 13 defendant?

20:20:03 14 MR. HELMICK: No. Thank you, Your Honor.

20:20:04 15 THE COURT: That will conclude this  
20:20:05 16 proceeding.

17 (Concluded at 8:20 p.m.)

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C E R T I F I C A T E

I certify that the foregoing is a correct transcript  
from the record of proceedings in the above-entitled  
matter.

<u>/s Tracy L. Spore</u> _____	_____
Tracy L. Spore, RMR, CRR	Date